

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

SESSION ON 1871-2,

HELD IN THE

CITY OF MONTGOMERY,

Commencing on the Third Monday in November, 1871.

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WITH AN INDEX,  
PREPARED BY THE SECRETARY OF STATE.

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MONTGOMERY, ALA:  
W. W. SCREWS, STATE PRINTER.

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1872.

## JOURNAL.

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MONTGOMERY, ALABAMA,  
Monday, Nov. 20, 1871.}

Be it remembered that this being the third Monday in November, it being the day fixed by law for the meeting of the General Assembly of the State of Alabama, the members of the House of Representatives assembled in the Hall of the House at the Capitol, and at twelve o'clock, noon, were called to order by John P. Hubbard, Speaker, when prayer was offered by Rev. Mr. Murrah, a member of the House, from the county of Pickens.

Upon the call of the roll the following members were found to be present :

Mr. Speaker, Alley, Appleton, Ashurst, Benson, Black, Box, Boyd, Bradford, Bulger, Bullock, Carlin, Carmichael, Clark, Clements, Cochran, Cowan, Craig, Crook, Davis, Dugan, Ellison, Gaskin, Green, Hamilton, Haralson, Hewitt, Hodo, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, Kennedy, King, Leath, Lewis, Lumpkin, McCall, McCaskey, McDermott, Marlowe, Miller, Moore, Murrah, Oates, Payne, Powell, Raisler, Rice, Semmes, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speak, St. Clair, Steele, Strauss, Taylor, of Lauderdale, Taylor, of Winston, Thompson, Toomer, Toulmin, Ware, Weatherford, Wells, White and Williams—68.

Mr. Craig presented credentials of R. H. Knox, member elect from the county of Montgomery, elected to fill the vacancy occasioned by the resignation of Mr. Harmount.

Mr. Steele presented credentials of W. L. Coleman, member elect from the county of Washington, elected to fill the vacancy occasioned by the resignation of W. W. Bassett ;

Which were referred to the committee on privileges and elections.

The oath of office, required by the constitution, was then administered by Mr. Speaker, to Mr. Knox and Mr. Coleman, and they took their seats as members of the House.

Mr. Speaker laid before the House the following communication :

SHERIFF'S OFFICE, MONTGOMERY, ALA.,  
November 20th, 1871.

Paul Strobach,  
Sheriff. }

Hon. John P. Hubbard,  
Speaker of the House of Representatives :

SIR : Having been elected to the office of sheriff of the county of Montgomery, on the 7th day of November, 1871, and having duly qualified and entered upon the discharge of the duties of my office, I consider that I am no longer entitled to serve as a member of the General Assembly. This office, to which I have been elected, belongs to the Executive Department of the State Government, and it seems to me that even if I had the legal right to serve out my time in the Legislature, it would be improper for me to do so, and help to make laws which it would often become my duty to execute. I therefore most respectfully submit, through you, to the General Assembly, that in my humble judgment, I am no longer entitled to exercise the functions of a legislator.

Very respectfully,  
PAUL STROBACH.

Mr. Oates moved to refer the communication to the committee on the Judiciary

Which was lost.

Whereupon, on motion of Mr. Toomer, the communication was laid on the table.

On motion of Mr. Murrah,

Resolved, That a committee of three be appointed by the Speaker to wait on the clergy of the city and invite them to open the daily sessions of the House with prayer.

Messrs. Murrah, Moore and Speak were appointed the committee.

Mr. Bullock offered the following resolution ;

Which was adopted,

Resolved, That the Senate be informed that the House is now organized and ready to proceed to business.

Mr. Gates offered the following resolution ;

Resolved, That the Speaker be, and he is hereby, authorized to appoint a Sergeant-at-Arms for this House ;

Which, on motion of Mr. Boyd, was laid on the table.

On motion of Mr. Toomer,

Resolved, That a committee of three be appointed to act with a like committee on the part of the Senate to notify the Governor that the two Houses of the General Assembly are now organized and ready to receive any communication he may be pleased to make.

Messrs. Toomer, Bullock and McCall were appointed the committee on the part of the House.

Message from the Senate, by Mr. Whiting :

SENATE CHAMBER, November 20th, 1871.

Mr. Speaker :

I am instructed by the Senate to inform the House that it is now organized and ready to proceed to business, and has appointed a committee of three to act with a like committee on the part of the House to wait upon the Governor and notify him the two Houses of the General Assembly are now organized and ready to proceed to business.

Messrs. Whitney, Farden and Martin are the committee on the part of the Senate.

M. P. BLUE,  
Secretary of the Senate.

The resolution embraced in the Senate message was concurred in, and the committee under the resolution of the House instructed to co-operate with the Senate committee.

Mr. Boyd offered the following resolution :

Resolved, That the office of sergeant-at-arms for this House be, and the same is hereby dispensed with ;

Which, on motion of Mr. Gates, was laid on the table.

Mr. Hewitt,

Introduced a bill to repeal to repeal an act to authorize the publication of the laws of the State of Alabama, approved October 10th, 1868 ;

Which was read three times under a suspension of the constitutional rule and passed.

Mr. Speak introduced a bill,

To keep the school funds of the State separate from the other funds of the State, which was read twice under a sus-

pension of the constitutional rule and referred to the committee on education.

On motion of Mr. Speaker,

Resolved, That the resolution on page 523 of the House Journal of the last session, which authorized and requires the Door-Keeper to discharge the duties of Sergeant-at-Arms, and the resolution on page 117 of said journal, which authorizes and requires the Speaker and Clerk of the House to certify the account for pay for such services, be and the same are hereby rescinded.

Mr. Raisler offered the following resolution,

Which was lost :

Resolved, That the committee on Internal Improvements be instructed to inquire what further legislation, if any, is necessary to protect the interest of the State in railroads, which have heretofore received or may hereafter receive aid from the State by the endorsement of their bonds, with leave to report by bill or otherwise.

On motion of Mr. Lewis,

Resolved, That the committee on privileges and elections be, and they are hereby instructed and required to report as early as practicable, a bill to regulate elections for the various State and County officers of this State.

Mr. Bulger introduced a bill,

To amend and repeal "An act for the relief of delinquent ; tax payers," approved January 26th, 1871 ;

Which was read twice under a suspension of the constitutional rule, and referred to the committee on Ways and Means.

Mr. Toomer, from the joint committee on the House and Senate, to notify the Governor of the organization of the Houses of the General Assembly ; reported, that the duty imposed had been discharged, and they were directed by His Excellency to inform the two Houses, that on to-morrow at 12 o'clock, m., he would communicate to them a message in writing.

The report was received, and the committee discharged.

On motion of Mr. Moore,

Resolved, That the Clerk of the House be authorized to appoint a Journal Clerk for the present session.

The House, then, on motion of Mr. Green,

Adjourned until to-morrow morning 10 o'clock,

## SECOND DAY.

TUESDAY, November 21, 1871.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Wadsworth.

Journal of yesterday was read and approved.

Mr. Speaker laid before the House a communication from the Board of Trade of the city of Montgomery, asking the co-operation of the members of the House in obtaining a correct estimate of the probable cotton crop in the State the present season ;

Which was referred to the committee on agriculture and commerce.

## UPON THE CALL OF THE COUNTIES,

The following bills were introduced ;

By Mr. Black :

A bill for the relief of Daniel Walker of Barbour county ;

Which was read twice under suspension of the constitutional rule, and,

On motion of Mr. Oates, was laid on the table.

By Mr. McCall :

A bill to authorize the probate court of Bullock county to take jurisdiction of the administration of the estate of M. A. Baldwin, deceased, late of Montgomery county.

By Mr. Crook :

A bill, (accompanied with a petition), to declare the town of Jacksonville in Calhoun county, to be duly and legally incorporated, and to confer additional powers upon the corporate authorities in issuing bonds to supply the town with water, establishing fire limits and aiding in opening and keeping up roads outside of its limits.

Also, a bill to repeal an act to regulate the liability of persons to work on the public roads in the county of Benton, approved December 6th, 1849.

By Mr. Lumpkin :

A bill to repeal " an act to authorize the court of county commissioners of the county of Chambers to borrow money and provide the means of repaying the same approved December 7th, 1866.

Also, a bill to repeal " an act to give the commissioners court of the county of Chambers full and complete control over the funds of said county."

By Mr. Carmichael:

A bill to repeal an act to incorporate the town of Ozark in Dale, approved February 23d, 1866.

Also, a bill to repeal " an act to lay off the county of Dale into four commissioners districts," approved February 36th, 1867.

By Mr. Hewitt :

A bill to repeal "an act to regulate the publication of legal and other notices in the State of Alabama," approved August 12th, 1868, and an act entitled " an act to amend the same," approved October 10th, 1868.

All of which were severally read three times, under a suspension of the constitutional rule, and passed.

By Mr. McCall :

A bill to prevent the stealing of agricultural products.

Also, a bill to prohibit the unlawful injury of animals.

Also, a bill to prohibit the sale, exchange or removal from the county wherein it is, any property on which there is a mortgage or lien of any kind, without the written consent of the holder of such mortgage or lien.

By Mr. Carmichael :

A bill to punish persons for violating their contracts in certain cases.

Also, a bill to authorize the chancellor to fix the times of holding the chancery courts in the several chancery districts in the eastern chancery division.

Also, a bill to repeal " an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale, and Lawrence, approved March 3d, 1870, in so far as relates to the county of Dale.

Mr. Bullock :

A bill to protect property upon which a levy has been made.

By Mr. Oates :

A bill to amend sections 1827 and 1831 of the Revised Code.

Also, a bill to amend sections 3514, 3515, 3517, 3518 of the Revised Code.

By Mr. Raisler :

A bill to compensate the solicitor of Limestone county in certain cases.

By Mr. Semmes :

A bill to authorize the Mayor of the city of Mobile to take cognizance of, and try cases of misdemeanor.

Also, a bill to amend " an act to carry into effect paragraph 26, art. I, of the constitution of Alabama.

Also, a bill to appropriate the swamp land fund to the city of Mobile.

Also, a bill to amend " an act to reorganize and establish the municipal government of the city of Mobile."

Also, a bill to amend an act in relation to appeals from justices' courts.

By Mr. Toulmin :

A bill to provide for the election of solicitors.

All of which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Smith of Choctaw :

A bill to regulate sales by the sheriff of Choctaw county.

Which was read twice, under a suspension of the constitutional rule.

Mr. McCall moved to amend by inserting the county of Bullock after Choctaw.

Mr. Oates moved to amend the amendment by striking out the county of Choctaw, so as to make the provisions of the bill applicable to all the counties in the State, which was adopted, and the bill as amended was referred to the Committee on the Judiciary.

By Mr. Speak :

A bill to pay sheriffs for feeding prisoners confined in the county jails.

Which was read twice under a suspension of the constitutional rule.

Mr. Oates moved to amend by striking out the word " State " in section 2, and inserting " county " before the word " treasurer," which was lost,

And the bill was referred to the committee on the judiciary.

By Mr. Crook :

A bill (accompanied with a petition) to confer power on the court of county commissioners of Calhoun county to open and keep up the public roads crossing Blue Mountain in said county ; which was read twice under a suspension of the constitutional rule and referred to the committee on public roads and highways.

By Mr. Smith of Choctaw :



A bill to give additional powers to judges of probate.

By Mr. Carmichael :

A bill to amend and repeal subdivision 5 of section 2061 of the Revised Code.

Also, a bill to prevent the selling, giving or delivering fermented, vinous or spirituous liquors to any person who is, or is reported to be, of unsound mind.

Also, a bill to amend and repeal section 3326 of the Revised Code.

By Mr. Raisler :

A bill to regulate and contest claims on insolvent estates.

Also, a bill to require the clerk of the circuit court of Limestone county to fix certain days on his criminal docket for the trial of criminal cases.

By Mr. Semmes :

A bill to amend subdivision 4 of section 144 of the Revised Code.

Also, a bill to amend an act for the relief of laborers and employees, which were severally read twice under a suspension of the constitutional rule and referred to the committee on the revision of the laws.

By Mr. Leath :

A bill to prohibit the sale of spirituous liquors within one mile of Salem church in Cherokee county, which was read twice under a suspension of the constitutional rule and referred to the committee on corporations.

Also, a bill to prohibit the sale of spirituous liquors and to prohibit the taking of pictures within one mile of Spring Creek Camp Ground in Cherokee county.

By Mr. Semmes :

A bill to repeal an act to facilitate the collection of municipal taxes and dues in the city of Mobile.

Also, a bill to prevent the destruction of certain game in Mobile county.

Which were severally read twice under a suspension of the constitutional rule and referred to the committee on local legislation.

By Mr. Howell :

A bill to require county superintendents of free public schools in this State to keep the public funds of each township separate and distinct, which was read twice under a suspension of the constitutional rule and referred to the committee on education.

By Mr. Taylor of Lauderdale :

A bill to confine the holding of elections in this State to the first Tuesday after the first Monday in November.

By Mr. Semmes :

A bill to repeal section 69 of an act to regulate elections in this State.

Also, a bill to provide for the challenging of voters in the State of Alabama.

By Mr. Toulmin :

A bill to prevent illegal voting.

Which were severally read twice under a suspension of the constitutional rule and referred to the committee on privileges and elections.

By Mr. Taylor of Lauderdale :

A bill for the relief of the policy holders in the Home Insurance Company of New Haven, Connecticut,

By Mr. Semmes :

Bills to repeal an act to authorize the commissioners of revenue for Mobile county to elect the tax assessor for said county, and remove said assessor.

To exempt certain property from taxation.

To amend section eighty (80) of an act to establish revenue laws for the State of Alabama.

Which were severally read twice under a suspension of the constitutional rule and referred to the committee on ways and means.

Message from the Senate, by Mr. Whiting :

SENATE CHAMBER, Nov. 21, 1871.

Mr. Speaker :

The Senate has originated and passed a bill—To amend section 15 of an act in relation to chancery courts in Alabama—and ordered the same to the House, forthwith, without engrossment.

M. P. BLUE,  
Secretary of the Senate.

On motion of Mr. Toomer :

The call of the counties was suspended to consider the Senate message,

And the bill, To amend section 15 of "an act in relation to chancery courts in Alabama," was read twice and referred to the following select committee, to-wit :

Messrs. Toomer, Bulger, Oates and McCall.

The House resumed the call of the counties, whereupon the following bills were introduced :

By Mr. Oates :

To reorganize the eighth judicial circuit of Alabama, and to create a new Judicial Circuit, to be known and designated as the thirteenth judicial circuit ;

Which were severally read twice under a suspension of the constitutional rule, and referred to a special committee of seven, as follows, to-wit :

Messrs. Oates, McCall, Carmichael, Henry, Duskin, Lowe and Callaway.

By Mr. Semmes :

A bill, to repeal an act to increase the fees of public officers of Mobile county ;

Which was read twice under a suspension of the constitutional rule, and referred to the committee on fees and salaries.

A message was received from the Governor by his private Secretary, Mr. Gindrat.

EXECUTIVE CHAMBER, Nov. 21st, 1871.

Mr. President :

I am directed by His Excellency the Governor, to deliver to the House his regular annual message in writing.

JOHN H. GINDRAT,  
Private Secretary.

The message is as follows :

EXECUTIVE DEPARTMENT,  
STATE OF ALABAMA,

Montgomery, Nov. 21, 1871.}

Gentlemen of the Senate, and

House of Representatives :

I respectfully submit, for your information, statements of the operations of the Government, in its several Departments during the past year, together with suggestions as to the legislation I deem necessary and proper to insure its satisfactory and successful administration in the future.

The changes and modifications which the Constitution of the State has undergone in recent years, have been so many, so essential and radical in their character, as to render legislation exceedingly onerous and difficult, to increase its respon-

sibility and to require the exercise of the highest degree of caution and patriotism. It may be justly said that the fortunes and destiny of Alabama have been entrusted to your guidance at a grave and momentous period in her history, and that the measure of her social and national prosperity for long years to come, will, to a great extent, be determined by the fidelity and prudence observed in the execution of the high and important trust.

As a member of the Federal Union, and at the same time a separate and distinct political sovereignty, the relations and obligations of Alabama are in their nature complex and twofold ; yet these relations and obligations are easily ascertained, as they are well defined and clearly limited in the Constitutions of the Nation and of the State,

To the provisions and limitations contained in those instruments, all legislation should conform with inflexible precision ; nor should it ever be forgotten that the most trifling and apparently insignificant disregard of the very least of their requirements is perilous to the liberties and immunities they are designed to preserve and perpetuate ; that the severity of the restrictions can never justify their violation ; that however much its mandates may differ from our peculiar opinions, or even from our cherished principles of right and justice, obedience to the Organic Law, while it remains such, is alike enjoined by the law itself, and demanded by the highest and most sacred interests of society.

A recognition and observance of these and kindred maxims are of especial and paramount importance at a crisis, when, by the will and power of sectional majorities, and when sectional passions and antagonisms maddened the popular heart and perverted the popular reason, Amendments affecting the very foundations of the Government, and introducing new and strange elements into our political being, have been engrafted upon our Constitutions, State and Federal. Yielding obedience to the provisions of such Amendments, is not even by implication an acknowledgment of their wisdom, a vindication of their justice nor an approval of the manner of their adoption. It is simply the discharge of a duty, incumbent on every citizen to maintain the Constitution as it is, to abide by it and support it by its integrity, until it is again altered or amended according to the forms itself prescribes. This is the true theory of constitutional government. Under it hardships and wrongs may be endured for a season, but the healing efficacy of time will always bring the remedy.

Confident that your legislation will be strictly confined within the boundaries of the organic laws of the land, I also respectfully urge upon you a constant practical observance of that wise and suggestive provision of the Constitution of the State, which declares that " no bill shall have the force of law until on three several days it be read in each House and free discussion be allowed thereon, &c." Experience sanctions the wisdom of this precautionary requirement, and it should never be departed from, unless the emergency is urgent and palpable. In this connection I cannot but revert to the unnecessary and expensive consumption of the time of former sessions in legislating upon subjects already provided for in the general laws of the State ; and ask you to sedulously avoid it. The mere fact, that the General Assembly has the constitutional power to grant relief, does not justify its intervention, when that relief is easily accessible through statutes already enacted. The creation of tree dealers and the transformation of minors into men is a very costly practice, were even the wisdom of the policy confirmed by experience.

#### CONDITION OF THE PEOPLE.

When it is remembered how severe and trying has been the ordeal to which the endurance of the people has been subjected—what a succession of reverses it has encountered, and how many hostile influences overcome, the present social condition of the State may be considered encouraging and the prospect cheering. Animated by a growing spirit of industry and economy, the people of Alabama, if their energies are not repressed by unfriendly laws, will soon retrieve their shattered individual fortunes and achieve for the State the full enjoyment of the prosperity and affluence, which the development of her vast natural wealth will surely bring to her. To promote and also to hasten this great and vital development, an increase of two agencies is eminently needed—an increase of capital and labor. Their influx from foreign countries, while it has been abundant into other and less inviting States, has hitherto been reluctant and slow into Alabama. This is not at all surprising—it is the natural consequence resulting from the world's want of confidence in our political stability, and the assertions of lawlessness and barbarism with which our moral and social character has been so persistently and wrongfully assailed—assailed often and wickedly, by those whom nature or duty had constituted its rightful defenders—

wantonly assailed by men representing Alabama in the Halls of the national Congress. Prudence on the part of the citizen, united to justice and circumspection in the administration of the Government, will counteract such malignant influences and remedy the damaging evil.

#### IMMIGRATION.

I recommend to your careful and earnest consideration the question of immigration. The infusion of new industrial energy and intelligence through the introduction of a vigorous, hardy and law abiding population from other climes and countries, could not fail to have a salutary and invigorating effect on all our industries, on social and material interests. I suggest for your investigation, the propriety and the utility of the establishment of a Bureau of Immigration in connection with the office of the Commissioner of Industrial Resources. Such a bureau could be organized and conducted at very trifling expense to the State, compared with the advantages and benefits accruing from it.

#### INTERNAL IMPROVEMENTS.

The Internal Improvements of the State are steadily advancing. Many adverse circumstances, it is true, have combined to retard the progress of railroad construction, yet I am gratified in being able to state, that, during the past year, an aggregate of about two hundred miles has been built or completed in different sections, and that the Montgomery and Eufaula road has been recently opened, and is now in operation through its entire length; thus bringing into active business and social connection the Capital City with the enterprising and cultivated communities of East Alabama; and that the South and North road has been completed to Elyton, thus unlocking for the southern portion of the State, the incalculable mineral resources with which our mountain regions abound. When the railroads now being constructed are finished, the extent of railroads within the State will approximate three thousand miles.

What a glorious and promising prospect is thus afforded to our hopes!

#### ENDORSEMENT OF RAILROAD BONDS.

The endorsement by the State of the bonds of railroad

companies, under laws first enacted at the Legislative session 1866-7, and enlarged and continued by subsequent statutes, has imposed upon the Executive Department unusual responsibility, solicitude and labor.

Finding, on my accession to office, the system of endorsement already on the statute book, and being invested with neither the power of determining its wisdom, nor the prerogative of adjudicating its validity, I have diligently and earnestly endeavored to execute the various laws pertaining to it, according to their letter and spirit. Undeterred by the malevolent attacks of the slanderer and his venal, subsidized or ignorant emissaries and agents on the one hand, and repelling on the other, with equal scorn, the thoughtless, if not dishonest, counsel of repudiation, I have labored with constant and unremitting earnestness, to maintain the labor and protect the credit of Alabama, and guard her against entanglement and loss through the villainous schemes of men, who plotted their own enrichment upon her ruin.

#### ALABAMA AND CHATTANOOGA RAILROAD BONDS.

On the 18th day of January last, and immediately on your re-assembling at the expiration of the Christmas recess, I communicated to you, in a written message, all the information, then possessed, with regard to the administration and consequences of the endorsement system ; but especially invited your attention to the unexpected failure of the Alabama & Chattanooga Railroad Company to provide for and pay the interest due on both the direct bonds of the State, loaned to said company, and on their first mortgage bonds endorsed by the State—and assigned the reasons which impelled me to refuse, on behalf of the State, the payment of said interest, unless required and empowered so to do by additional legislation.

Your investigation and action upon this grave and important subject terminated in the enactment of the following statute, which I deem proper to be here cited and presented to you in its own words, in order to insure a clearer comprehension of my subsequent official action in the premises :

#### AN ACT

To provide for the payment of the interest due and unpaid upon the valid claims against the State, on account of the failure of the Alabama and Chattanooga Railroad Company to pay said interest.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the Governor be, and he is hereby, authorized and required to inquire into and to ascertain the amount of bonds issued and loaned to the Alabama and Chattanooga Railroad Company, and of the bonds of said company endorsed by the State ; and when such amount is ascertained, the Governor shall make provision by temporary loan, or from money in the State treasury not otherwise appropriated, to pay the interest upon said bonds, whenever the coupons attached thereto shall be presented to him, or to any agent he may appoint for that purpose : Provided, however, That no interest shall be paid upon any of said bonds not proved to have been held on the 1st day of January, eighteen hundred and seventy-one, by innocent and bona fide purchasers ; And provided, further, That no interest shall be paid upon any of said bonds in the hands of said railroad company, any incorporator or agent thereof, or merely hypothecated by them, it being the object and intent of this enactment to pay interest only to innocent and bona fide purchasers of valid claims against the State.

SEC. 2. Be it further enacted, That whenever the Governor shall have paid any of said interest, he may proceed under any statutes providing a summary remedy in such case, or according to any forms of law which he may deem best and safest for the interest of the State, to recover the amount so paid for the Alabama and Chattanooga Railroad Company.

By this Act the entire responsibility of investigation and payment devolved upon me.

Appreciating the magnitude and importance of the trust thus imposed, as well as my individual and official accountability for its successful execution, I proceeded in person to the city of New York, where the bonds were supposed to have been negotiated and the interest payable; and at once instituted the necessary and contemplated investigation, availing myself in its prosecution of every certain and available avenue and source of information. Soutter & Co., bankers, and at a previous time financial agents of the Alabama & Chattanooga Railroad Company, furnished me with a sworn statement, transcribed from their books, showing that between the 7th day of April, 1869, and the 1st day of October, 1870, they sold and delivered four thousand first mortgage bonds of the Alabama & Chattanooga Railroad Company of one thousand dollars each, endorsed by the Governor of the State of Alabama, and sealed with the seal of the State ; that about one thousand of said bonds went into the hands of the American



public, and the remainder were sold in Europe. Their statement further showed, that they had sold and delivered between the 21st day of April and 19th of May, 1870, two thousand bonds of the State of one thousand dollars each, issued to the Alabama and Chattanooga Railroad Company, numbered from 1 to 2,000 consecutively, and that none of said bonds, either State or endorsed, were sold for less than ninety cents on the dollar. This statement was sworn to, before a commissioner of Alabama, by Robert Soutter.

From August Goettel, of the firm of August Goettel & Co., German bankers, I received a statement, sworn to by him, showing that on different days ranging from April 1st to May 19th, 1870, they had purchased from Soutter & Co., the State bonds loaned to said Railroad Company, amounting in the aggregate to two thousand bonds, (\$2,000,000,) by order and on account of Emile Erlanger & Co., of Paris, and paid for the same at the rate of ninety-five cents, on the dollar in gold and accrued interest.

From other sources, which I considered perfectly reliable, I obtained corroborating information, all of which satisfied me that four thousand endorsed bonds, and two thousand direct bonds of the State were purchased by, and were, on the 1st of January, 1871, the property of innocent and bona fide holders, who had never participated in any fraud upon the State or were cognizant of such. My predecessor had acknowledged, in his communication to the Senate, that he had endorsed four thousand bonds. Robert Soutter had sworn that he had sold that number. August Goettel had sworn that he bought the two thousand direct bonds. Robert Soutter and August Goettel being men of unimpeached veracity and high financial standing, and without interest in the matter, I awarded to their statements the highest credit. This testimony, confirmed in all its features by other facts, circumstances and information from financiers cognizant of the transactions, convinced me beyond a reasonable, or indeed any doubt at all, that it was my imperative duty, under the law controlling me, to recognize the two thousand State, and four thousand endorsed bonds, and to provide for the interest accrued, and due thereon.

The law required me to investigate, and ascertain where said bonds were, and to pay the interest on all the bonds in the hands of innocent and bona fide purchasers. This I did, and no more. I pursued the strict letter and spirit of the law—a law clear, definite, and intelligible in its provisions.

The investigation disclosed the further astounding fact, that my predecessor in the executive office had endorsed bonds of the Alabama & Chattanooga Railroad Company, to the amount, in value of five millions three hundred thousand dollars—or five hundred thousand dollars in excess of the amount on which the company could ever, by any reasonable construction of law, become entitled to endorsement. The railroad being incomplete, and the history of the bonds numbered from 4,000 to 4,720 not being sufficiently satisfactory, I could not pay the interest due upon them. The bonds numbered from 4,720 5,300, were so clearly the offspring of fraud and villainy, their endorsement so utterly without the warrant of lawful authority, and being only hypothecated as far as I could ascertain, they were, therefore, in every aspect they might be considered, excluded from recognition by the statute which prescribed my authority and confined the payment to interest on bonds in the hands of innocent and bona fide purchasers on the 1st day of January, 1871. I may here be permitted to add that in all this matter I had to pursue one of two courses—to refuse altogether to pay the interest due on any of the bonds, or to investigate and pay on those in the hands of innocent and bona fide bondholders. The law did not invest me with the power of repudiation, and I certainly had not the will nor the inclination to want only usurp it.

This default on the part of the Alabama & Chattanooga Railroad Company and the payment of the interest by the State, invested the State with new rights, and imposed upon me corresponding duties and responsibility. By the statute above cited was authorized to proceed under any of the statutes providing a summary remedy in such case, or according to any forms of law deemed best and safest for the interest of the State to recover the amount so paid ." By the statute of 1869-70 the right to seize the road and property of delinquent companies was given. The seizure of the road, if it had been practicable, would at that time have been signally unwise and profitless. My right, or at least my power to take possession, extended only to the limits of the State of Alabama. The portions of the road within the States of Mississippi, Georgia and Tennessee were beyond my official jurisdiction and control ; a large portion of the road within the State of Alabama was unfinished. To have seized and held possession of a road thus incomplete and deprived of its termini and connections, would have been an exhibition of the

grossest folly, as long as there remained the remotest hope of the company fulfilling its obligations, to complete the road, if not of its refunding the interest paid. Had such reasons not influenced me, there existed another and a stronger one to control—I may say compel—me to abstain from seizure at that juncture. By the statute loaning the two million bonds, it was provided that before issuance and delivery thereof, the company should, among other things, execute and deliver to the State a bond of equal amount, with undoubted personal security, and conditioned to complete and equip the entire road, on or before the first day of June, 1871. This bond had been executed, and was then in the treasury of the State, signed by D. N. Stanton, J. C. Stanton, Lewis Rice, A. O. Lippit and F. B. Loomis, as the personal security. A seizure before the first day of June, and the consequent prevention of the company's fulfilment of their contract, might have worked a release of the obligors, and I refrained from the risk. Had I destroyed the efficacy of the bond, my conduct would have justly merited severe public reprehension. I may here very properly and pertinently remark that the Stantons, Rice, Lippit and Loomis constituted in fact the Alabama & Chattanooga Railroad Company, and were surely cognizant of this statutory barrier to my seizure of their road—confident I would not attempt to interrupt their possession, or secretly anxious that I should, and thereby relieve them from the terror of a two million bond. At all events, influenced alone by my convictions of duty and expediency, and totally ignorant of their villainous machinations—of their falsely and wickedly alleged expectations, on which their confederates and allies have dwelt with such wanton malice and pertinacity, I left the road in their possession, hoping that the two million bond would impel them to strain every nerve to finish it by the first day of June.

Upon petition filed by one of its creditors on the 31st of May, this railroad company was declared an involuntary bankrupt in the district court of the United States, sitting in Montgomery, and by an order of that court the road and its property transferred to the possession and management of a special custodian. On the — day of June following, the circuit court of the United States reversed the decree of the district court and ordered the surrender of the road back to the company. In the bankrupt proceedings the State of Alabama was not a party, and therefore had no participation therein, except through her attorneys, to watch her rights and

to be ready to intervene when their protection demanded it. During the pendency of the bankrupt suit I strenuously endeavored to induce the Alabama & Chattanooga Railroad Company to convey the road to the State, believing that by such a voluntary conveyance, prolonged and complicated litigation would be avoided, and the interest of the State and that of all other creditors better subserved. With a view to bring about more certainly and speedily a consummation so desirable, accompanied by the late General James H. Clanton as my council and attorney, I visited New York, where the President and Directors of the company would be accessible. Having great reliance in the sagacity and earnestness of Gen. Clanton I confided the accomplishment of our object almost entirely to him.

It is not necessary to occupy your attention with an extended narrative of our combined efforts, to obtain in this manner possession of the road—suffice it to say, that if there was at any moment a probability of our success, that probability resting as it did on the terror inspired by the bankrupt court, vanished when the action of the circuit court of the United States was an non-need through the telegraph.

Soon after my return to the capitol, and at the very earliest hour that I believed myself justified by the law and the facts, I proceeded to seize the road and its property. This course alone promised safety to the State, and the promptitude with which I embraced it, in my opinion defeated combinations, not only antagonistic to the interests of the State, but whose very formation aimed at their total sacrifice. I instructed my private secretary to repair to the road and take possession of it in the name of the State. This important mission I intrusted to Col. Gindrat, chiefly because he was a constitutional, recognized and already salaried officer of the government. I deemed it of the greatest legal importance that the road should be strictly in possession of the State and the acts of the receiver or agent under my direct official control. To the decision, judgment and discretion, with which Col. Gindrant has so constantly and invariably discharged his onerous duties, may be attributed, in no small degree, the favorable results now so far achieved in the possession and operations of the Alabama & Chattanooga Railroad, throughout its entire length, from Meridian in the State of Mississippi to Chattanooga in the State of Tennessee.

The conflict has been long, and on the part of the adversary cunningly, and unscrupulously and desperately waged ; yet

steadily and singly looking to one great paramount object—the maintenance of the interests and rights of the State of Alabama—my efforts have been rewarded with success, and my cherished hopes of ultimate and complete triumph confirmed.

The magnitude and complications of the questions involved, rendered it proper for me to seek counsel and guidance from lawyers, eminent for their experience and wisdom, and I did not hesitate to employ them. My official right, or rather power of seizure, terminated with the limits of the State. To gain possession of the portions of the road in Georgia, Tennessee and Mississippi, I caused suits to be instituted in their respective State courts, which gave speedy possession to Colonel Gindrat in Tennessee and Mississippi ; but the seizure by Governor Bullock, of Georgia, of the part within the confines of that State, prevented the opening of the entire line of road until Governor Conoley, taking a different and certainly a wiser and more courteous view of the matter, removed the obstacle.

#### GENERAL CLANTON.

From the very first instant of my struggle with the Alabama and Chattanooga Railroad to the sad melancholy hour of his death, I was strengthened by the advice and determination of the noble and lamented Clanton. Faithful, zealous and unselfish in his devotion to Alabama, with an unwavering fortitude, he labored to promote her interests ; and shrinking from no sacrifice, ever sought to vindicate her honor. It is a reflection of mingled sorrow and pleasure that my course received the co-operation and sanction of such a generous and earnest patriot. Remote from home when he perished, and in the service of the State, no admonition from me is necessary to prompt the General Assembly to render adjust tribute to his memory, and an adequate recompense to his bereaved family.

#### EXPENSES INCURRED.

In all my transactions with this Railroad, in the payment of the interest, in gaining possession, and all subsequent operations, it has been my constant aim to incur no expense, not absolutely necessary ; and in this regard the result has been singularly satisfactory.

The General Assembly, at its last session, was pleased to appropriate a contingent fund of ten thousand dollars. From that fund I have paid all amounts drawn from the State Treasury, on account of the Alabama and Chattanooga Railroad Company, including expenses in and about the payment of interest, all the expenditures of the Government for twelve months usually drawn from that fund, several hundred dollars for unpaid items in the year ending September, 1870 ; and transferred a balance of \$1,422 16 to the contingent account of the current year. This is the very best that economy could do, and will not compare unfavorably with the history of contingent funds in former years.

It is to be remembered that all moneys paid or liabilities incurred by the State for the Alabama and Chattanooga Railroad, are claims on that company, and I have reason to hope that the Receiver will soon be enabled, out of the income of the road, to refund its indebtedness to the Contingent Fund, as well as to provide ample means to pay the fees of all attorneys employed. This I will urge. The payment of the interest due on the bonds was to redeem the pledged faith, and to maintain the credit of the State ; the seizure and possession of the road to prevent as far as possible ultimate loss, to indemnify the past and secure the future, and to cease when that was achieved. It would be an erroneous policy, and dangerous alike to her financial, political and social morality, were the Government of Alabama to embark permanently in railroad operations.

The earliest possible adjustment, therefore, of the Alabama and Chattanooga Railroad matters, is exceedingly desirable.

Repayment of all interest and expenses paid by the State entitled the company to the right of repossession. This was not done and the company has again been declared bankrupt.

I did not apprehend any increased embarrassment from the bankruptcy of the company. The extensive jurisdiction of the bankrupt court may give to its proceedings in this behalf an efficiency and a value, scarcely to be hoped for in courts of four States. The State is of course no party to the bankrupt suit, yet the Hon. Richard Busteed, presiding judge of the district court, recognizing judicially the vast interest of the States involved, by special order constituted Colonel Gindrat, the State Receiver, the custodian under the court. I have great confidence that the district court will sustain the validity and priority of the State's lien on the road and property of

the Alabama and Chattanooga Railroad Company, and will as expeditiously, as the rules of the court and the law permit, bring the matter to a final determination. The road and its property, real and personal, according to all estimates and information, are intrinsically of a value greater than the liabilities of the State, and whenever a clear and unencumbered title can be perfected more than one company of capacity and capital will be found ready to purchase it, and by the purchase relieve the State from liability.

To raise funds to pay the interest on the bonds of the Alabama and Chattanooga Railroad Company, I resorted to temporary loans, amounting in the aggregate, including principal and interest, to the sum of \$545,000. For the payment of these loans, I executed my official obligations, and placed them in the hands of Duncan, Sherman & Co., the financial agents of the State, who received the proceeds thereof and paid the interest due in January and July upon the bonds, proven to have been in the hands of bona fide purchasers on the 1st day of January, 1871, and on none others ; and Duncan, Sherman & Co. inform me by letter, that a balance remains of \$22,452 37, against coupons not presented. I recommend that the General Assembly make prompt provision for repayment of the sum borrowed by an act authorizing, in the alternative, an extension of the time, or raising by a new loan the amount necessary to meet it. The propriety of such an act is suggested by the existing condition of the Alabama and Chattanooga Railroad, and the hope that the income and proceeds of the property thereof may prove adequate to meet all the State's liabilities.

I herewith transmit communications from Colonel Gindrat and others of great interest and value in connection with the Alabama and Chattanooga Railroad.

#### RAILROADS ENTITLED TO ENDORSEMENT OF BONDS.

On the first day of November, 1871, the right of railroad companies to the State endorsement became, by operation of the law, limited to companies which had, from their resources, and prior to that date, built and equipped twenty miles of road. This confines future endorsement to the bonds of the following companies: South and North ; Montgomery and Eufaula ; Selma, M. and M.; Selma and Gulf; Savannah and Memphis ; East Alabama and Cincinnati; Selma and New Orleans; Grand Trunk, and Vicksburg and Brunswick.

With the completion of these roads, nearly every section and every industrial interest will have reaped the benefits of the system, and the credit of the States strained to its capacity, and future endorsement should be special, not general in its character.

#### REPORTS OF AUDITOR AND TREASURES.

The accompanying annual reports of the Auditor and Treasurer, present to you in detail the working and condition of their respective departments.

The official statements of these officers are public documents, not only of great importance to the members to the General Assembly, but also possessing deep interest to the whole tax-paying people of the State. It is therefore eminently proper that the facts they embody should be marshalled with accuracy, free from argumentative ambiguity, conveying information, as their purpose is, and not moulded and not arrayed to justify the theories of the officers from whom they emanate. The report of the Auditor is, as usual, lengthy and elaborate, but it is not characterized by the exactitude and clearness which his experience entitled me to expect. Absence of dates, obscure brevity, and plausible deductions so manifestly tend to mislead the legislature, convey erroneous impressions to the public mind, and inflict injustice upon the history of the present administration, that I deem it my duty to prevent the wrong.

In his report for 1870, he estimated the aggregate receipts for 1871 at \$1,230,000 00, the aggregate disbursements at \$1,193,155 33. The report now transmitted shows the actual receipts, including a balance, to have been \$1,422,494 67, a sum exceeding the estimated disbursements by \$229,359 24, This would have been a very gratifying result, if the estimate of disbursements had even approximated correctness. The Auditor now informs us that the disbursements, including his outstanding warrants on the treasury, are \$1,640,116 99 instead of \$1,193,135 30, being a difference of \$446,981 69, between the estimated and actual disbursements. Notwithstanding this marvelous discrepancy the Auditor says " that, the estimates made by this office in last report were nearly correct-being only for money needed under the then existing laws governing disbursements from the State Treasury, " and traces the deficit in the treasury to four several items, viz :



Protracted session of the Legislature.....	\$50,442	31
Special appropriations.....	64,667	74
School appropriation under Revised Code....	100,000	00
Premature payment to county Superintendents.	117,500	00

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 Making a total of..... \$332,620 05

Which, were it correct, would still leave a balance of \$114,-  
 361 65 of disbursements in excess of estimate unaccounted  
 for. But why was the \$100,000 00 claim under the Code  
 not estimated, or why estimated to account for the discrep-  
 ancancy? Why was the item, \$117,500 00, not estimated in  
 the report of 1870? Was it not a liability of the State  
 Treasury? The Superintendent of Public Instruction, in his  
 report to me, and now transmitted to the two Houses, in  
 alluding to the Auditor's use of these two items, is conclusive  
 in his reply. Among other arguments the Superintendent  
 says: "The Auditor should have known that the sum of \$100,-  
 000 00 under section 957 Revised Code, would be needed.  
 He had before him the amount of School Fund accruing from  
 all other sources, and he had also before him the number of  
 children of school age, the enumeration for 1870, which, under  
 the law, continued in force for two years, having been report-  
 ed to him by my predecessor. By placing the total enumer-  
 ation side by side with the certain school fund, he would have  
 seen at a glance that the \$100,000 00 became appropriated  
 by law and must be met during the year. The school fund for  
 1869 was larger than that of 1870, and the enumeration of  
 children was the same, yet the \$100,000 00 was needed and  
 drawn in 1869. This fact should have satisfied him that the  
 contingency, which appropriated that sum, was already in  
 existence. Since the creation of the school system in 1855,  
 there has been no year in which such a state of facts has ,  
 arisen as to relieve the treasury of liability for that appropri-  
 ation. It is only necessary to say in answer to the \$117,500  
 item that the Superintendent of Public Instruction has no  
 power to direct the Auditor to issue a warrant or to retrain  
 from doing so. The Auditor looks for his directions, instruc-  
 tions, &c., to the law and not to the Superintendent. Nor is  
 it true that any such item as that of \$117,500 was brought  
 forward by the new law from the months of October and No-  
 vember into the fiscal year ending September 30th, 1870-71.  
 Under either the new or old law the whole of the school fund  
 would in all probability have been called for by the first day  
 of July. The Auditor has no right to expect that a portion of

the warrants upon the school fund for 1871 would not be called for until after the fiscal year had closed. A moments reflection would have convinced him that the public school teachers who had in the first part of the year taught three months (the longest time usually justified by the amount due their townships) could not be expected to wait for their money until after the close of the fiscal year."

The Superintendent further says : " Unfortunately, however, the Auditor in his last- annual report, placed his estimate (see page 20 of that report) of educational expenses for the year as follows :

Interest on educational and trust funds.....	\$ 223,000 00
One fifth of aggregate revenue received during the fiscal annual year 1870.....	\$ 250,289 33
Total estimate, including \$24,000 due the State University.....	\$ 473,289 33
Deducting the University interest from this sum, his estimate for the public schools was....	\$ 449,289 33
The correct estimate should have been.....	\$ 727,200 93
Leaving a deficiency in estimate.....	\$ 277,911 60

Being an error to that extent in the Auditor's estimate of the school fund alone. The actual necessary total disbursements were greater than the amount estimated by \$446,981 69, yet according to the Auditor, "The Executive and the legislature were fully advised of the needed disbursements provided the laws relating to disbursements from the treasury had remained the same as in former years." This is a very grave and erroneous conclusion of the Auditor. How could the Executive and legislature have been fully advised, when his reports, the constituted source of their information. exhibits a discrepancy between the actual and estimated disbursements of \$846,981 69 ? Nor does the qualification, " provided the laws relating to disbursements from the treasury remained the same as in former years," modify or reduce the gravity of his error. The laws regulating or relating to disbursements from the treasury, if changed at all, were not materially changed since he made his estimate. Calling attention to the public debt, the Auditor uses these words : "Attention is called to the tabular statement of the public debt, embracing all the direct liabilities of the State, amounting to \$8,761,917 37. This is an increase of \$283,906 62 over statement one year ago." This statement is reprehensibly faulty.

The public debt is not \$8,761,617 37 ; it is only \$5,442,300, according to his own tabular statement. The University and

other funds, what is known as the Patton certificates, and accounts unsettled or Auditor's warrants unpaid, which he uses to make up the other \$3,319,617 00, do not constitute, in any accepted signification of the term, public debt, and their inclusion as such, unwarranted and unexplained, greatly tends to damage the value of the State securities. This error on the part of the Auditor was adverted to by my predecessor in his annual message to the General Assembly on the 15th day of November, 1869, in the following comprehensive paragraphs :

" The Auditor is a faithful and efficient officer ; but I am constrained to express my dissent from the views embodied in his report in regard to the school fund. He says, in effect, that the fund has been lost or misapplied by the State. It is perfectly clear to my mind that his reasoning and conclusion are based upon a misapprehension of the laws of Congress under which the fund was created, and the Constitution and laws to the State under which it is controlled.

By the act of Congress, approved March 2, 1827, the legislature of Alabama was clothed with authority to sell and convey in fee simple, the lands, or any portion thereof, which have been appropriated to the State for school purposes ; and to invest the money arising from the sales in some productive fund, the proceeds of which shall be forever applied, under the direction of the Legislature, to the support of common schools. Under the language of this constitutional statute, full discretion is given the legislature to determine the manner in which the investment is to be made. The Legislature, for all the purposes of this act, is not the State; but as trustee it invested the fund in the State's credit. In pursuance of a law passed for the purpose, the State took the money arising from sales of donated lands under express statutory obligations to pay interest upon it. This was done years ago ; and the State has scrupulously complied with its engagement by promptly paying the required interest ; while the trustees (the Legislature,) made effective provision for the application of the interest to the support of common schools in the appropriate townships. In all this there is no misapplication or destruction of the fund,

It is true the Legislature might have invested the fund in bank stocks or other securities. But it exercised its discretion otherwise, though in a way that accomplished all the purposes contemplated by Congress.

The Auditor further speaks of this school fund as a part

of the State's indebtedness. On this point, also, there is manifestly a misapprehension. It is expressly provided by the law of Congress that the fund proper is never to be paid to the beneficiary, or used in any way or for any purpose except to produce an income. All the legislation of our State has been in strict accordance with this provision. But this is not all. A similar requirement is embodied in our State Constitution. Section 10, article 11, of that instrument, says that the fund in question "shall be and remain a perpetual fund," "the interest and income of which" shall be "inviolably appropriated to educational purposes." In as much, therefore, as both the law of Congress and the State Constitution prohibit the payment of the fund itself, or any part thereof, it cannot, in any legal sense, be considered a debt. Further than this, that part of the Constitution above cited, which provides that the fund "shall be and remain" perpetual, not only sanctions what has already been done with it, but seems to require that it be permanently kept in its present condition."

Misapprehension on this subject is the natural result, overlooking the following undeniable positions : " 1st. Congress made the Legislature, not the State, the trustee ; 2d. The trustee is required to invest the fund so as to produce an income, and is specifically prohibited from paying over the fund to the beneficiary ; 3d. The trustee, (the Legislature,) is clothed by the act of Congress, with a large discretion as to the mode in which the fund is to be invested ; 4th. An obligation by a State statute is as effectual as by a State bond."

Yet the Auditor persists in the error, and adds that it is "an increase of \$283,906 62 over the statement rendered one year ago" without explanation. No bonds have been issued and no public debt incurred by or during the present administration. Whence arises this increase to the public debt? The Auditor leaves the explanation to the figures of his tabular statement, where it is discovered that the eight per cent. bonds, payable in New York in 1886 and 1888 amounted to about sixty thousand dollars (\$60,000) more than the Auditor stated them to be in his report of last year.— This sum, added to \$217,622 32 of Auditor's warrants of past fiscal year unpaid, and six thousand dollars borrowed under former administration, make up, it is supposed, this increase of the public debt. With this elucidation of the Auditor's increase of the public debt, I invite your attention to the following paragraph, found in the Auditors report (on page 21

thereof) :—" I regret to call your attention again to the fact that the proceeds of sale of the bonds of the State of Alabama, made lung since as per official information on file in this office, have not been certified as required by law." The amount stated last year as not having been placed into the Treasury was \$112,400 00, to which, if we add those sold during the fiscal year just closed, \$59,500 00, we have a total amount of State bonds sold and not certified into the Treasury, of \$171,900 00. This office is unofficially informed that much of this amount has been already expended by the financial agents, in payment of liabilities incurred during the fiscal year."

Justice to Lehman, Durr & Co., financial agents, who have at all times exhibited a willingness and ability to promote the fiscal interests of the State, requires a more explicit statement of the transactions here alluded to. The bonds in question were placed in their hands for sale, and sold, and the proceeds, one hundred and two thousand seven hundred and forty-one dollars and sixty-six cents (\$102,741 66,) of bonds of \$112,400 00 par value applied by them to the payment of interest, etc., long prior to the commencement of the present administration, while proceeds, \$51,994 74 of bonds of \$59,500 par value have by them been applied to the payment of interest due on the 1st November last. Thus it appears that no part of the proceeds of the \$171,900 00 bonds was applied to the "payment of liabilities of the State incurred during the fiscal year," all of which is more fully set forth in the accounts rendered to the Government by Lehman, Durr & Co., and herewith transmitted to the General Assembly.

Under the head of the three per cent fund, the Auditor refers to a warrant for \$40,000, drawn in favor of the Selma and Gulf Railroad Company, issued by direction of the Governor" "since his last report," as an unexpected draft upon the Treasury, and its payment refused until compelled by a writ of mandamus from the Supreme Court,

In all this the Auditor is correct. During the administration of my predecessor such a warrant was issued, but believing that no existing law justified it, I instructed the Treasurer not to pay it, and he did not until compelled by mandamus in June last.

The Auditor advises numerous changes in existing laws, and presents elaborate views on the question of taxation and the policy which should regulate it—all of which are worthy your earnest consideration.

The Report of the Treasurer commends itself to a careful consideration. The receipts during the last fiscal year have been greater in amount than in any former year—the period of war and proceeds of loans excluded; yet their aggregate amount, as has been shown in adverting to the Auditor's Report, has not been equal to the demands upon it, while a large balance of outstanding warrants, chiefly due the public schools, remains unpaid. This result has occurred notwithstanding a very large diminution in the ordinary current expenses of the Government.

#### TAXATION.

The rate of taxation was reduced at the last session of the Legislature from seventy-five to fifty cents on the hundred dollars ad valorem of property. I still believe that the present rate will be sufficient, provided the school fund is wisely limited to its legitimate sources—special appropriations prudently made, and the levy and collection of taxes faithfully managed.

It will be better and more agreeable to a people not yet entirely restored to prosperity, to empower the Executive Department to negotiate a temporary loan to meet any deficit which may occur than to increase the burden of taxation for the ensuing year.

#### REPORT OF SUPERINTENDENT OF PUBLIC INSTRUCTION.

To the report of the Superintendent of Public Instruction, herewith submitted, I solicit your most deliberate attention. Since its first establishment, at the session of the General Assembly 1853-4, to the present time, our public school system has been an absorbing subject of discussion and legislation; yet, to-day, it is far from being acceptable or satisfactory to the people. As now organized, its usefulness is certainly not proportionate to the cost of its maintenance and administration. Many of its chief defects are inherent and constitutional, and cannot be reached by present legislation. Much, however, may be done to rescue it from the popular odium into which it had fallen and from which the present energetic, accomplished and devoted Superintendent of Public Instruction has struggled, though partly in vain, to relieve it.

The people submit without a murmur to taxation, when it is reasonable, equitable and commensurate with the good it contemplates and effects—taxation without corresponding benefits is never long endured.

According to the Superintendent's Report, the school fund for the year 1871 was \$581,389 29, which, added to \$145,-811 64, makes a total amount of \$727, 290 93, to be paid out of the revenue collected in the fiscal year of 1871, of which \$211,217 79 remains unpaid and chargeable upon the revenue of 1871-2, thus increasing the aggregate charge of school fund upon the revenue of the current fiscal year of \$940, 934 32. An enormous sum for a system, far from being strong in the affections of the people—a sum only thirty thousand dollars less than the fiscal income of the State from all sources !

The education of the masses is a proper and legitimate object of the Government's fostering care, and should be cherished with a liberal devotion ; but it is not to be forgotten that the Treasury at last determines the State's capacity to do so. The expenses of our public school system are greater than the revenue can meet, and it therefore behooves the General Assembly to consider and provide the remedy. The Constitution designates the sources from which the school fund should be derived, but does not of course prohibit the Legislature from increasing the fund so derived, by other appropriations—hence the department of Public Instruction claimed that, by the re-adoption of the Revised Code, it became entitled to the \$100,000 appropriated therein to support the old system of education, and it was allowed and continues to be drawn from the Treasury. The Constitution provides that one-fifth of the general revenue shall be set apart for school purposes, but by construction \$100,000 is added to that generous amount. The re-adoption of the Code never contemplated such a result, and your consideration to it is invited.

The one-fifth of the general revenue, appropriated by the Constitution is ascertained by the Auditor from the receipts of the preceding year. Is this proper ? Should it not be one-fifth of the estimated receipts of the current year? According to the criterion adopted, if the revenue for any one year amounted to four millions of dollars, and that of the year following to eight hundred thousand dollars, the amount the school fund would be entitled to, according to present interpretation and practice, would absorb the entire revenue.

The Superintendent recommends the settlement of all school liabilities by the sale of bonds. This suggestion, as well as the repeal of that section of Revised Code under which the \$100,000 is claimed as part of the school fund, a

change in the mode of ascertaining one-fifth of the general revenue and the propriety of confining all expenditures, needed in the management of the system, to the educational fund itself, are confided to the wisdom and action of the General Assembly.

The restoration of the State University to the influence and usefulness it once possessed, as a Seminary of learning, should be an object of interest and pride, alike to the Government and citizens of Alabama.

Its recent organization under favorable auspices, its large, able and energetic faculty of professors, with its very liberal endowments, will surely secure to it a patronage which will render it self-sustaining in the future.

On application to the proper department of the Federal Government, I obtained Alabama's quota of land scrip, donated by Congress to the several States, for the purpose of establishing agricultural colleges, said quota representing 240,000 acres of land. Pursuant to authority granted by the board of commissioners, authorized by act of last session of the Legislature to obtain and dispose of said scrip, I sold it for 90 cents per acre, the largest price obtained by any of the States. The Auditor informs me that upwards of \$50,000 has already been received, and I have no doubt the entire sum will be punctually paid. The location and establishment of the agricultural college is a subject for your consideration.

#### REPORT OF COMMISSIONERS TO EXAMINE STATE OFFICES.

The ability and faithfulness which have distinguished the Auditor, Treasurer and Superintendent of Public Instruction in the discharge of their official duties, will more fully appear from the accompanying report of the commissioners appointed by me to examine their respective offices. This report exhibits much discernment, scrutiny and labor on the part of the commissioners and will be found to possess more than usual interest and information.

It appears from this report that there is a conflict of opinion between a majority of the commissioners and the Auditor, as to the application of certain statutory fees collected by him. It is the province and duty of the Legislature to settle this variance by a declaratory law.

#### STATE PENITENTIARY.

There has been no material change in the condition, opera-



tion, and management of the Penitentiary since your committee of last session visited and inspected it.

The contract of lease, under which the lessees are authorized to employ the convicts on the works outside of the penitentiary expires on the 5th day of June, 1872. It therefore devolves upon the present General Assembly to provide for the disposition of the convicts from and after such expiration.

Humanity combined with economy, should characterize your legislation on this subject. The advanced sentiments of the age, the chastening influences of Christian charity, point to the prevention of crime rather than the fruition of revenge by the punishment of the criminal. A return to the old system of working the convicts within the walls of the penitentiary will demand a large expenditure of money to repair and enlarge the buildings, as well as to supply the necessary machinery and mechanical tools, which the treasury is not at present in a condition to furnish. I therefore recommend that authority be by law given to the Executive to enter into a contract of lease similar to that now existing, but for a shorter period and providing more stringent stipulations as to the treatment and safe keeping of the convicts. The Inspectors have forwarded brief quarterly reports to this office, which, with a list of pardons and reasons for granting them, I now transmit to you.

#### INSANE HOSPITAL, &C.

No annual reports from the Insane Hospital, Institution for Deaf and Dumb, or Freedmen's Hospital, have been received at this department. When they arrive I will submit them to the General Assembly.

By reference to the Auditor's Report it appears that warrants, amounting to \$79,071 73, have been drawn upon the treasury, under existing laws, in behalf of the Insane Asylum. This is a very large amount, and I hope the Report of the Superintendent will justify its expenditure and receive the approval of the General Assembly.

#### ARMS, &C.

Having received a communication from the War Department at Washington informing me that the State of Alabama was entitled to a large quantity of arms, &c., under the Act

of Congress of April 22d, 1868, and which on application would be delivered to any agent I might appoint to select and receive them, General William H. Allen, my Adjutant General, was instructed to proceed to Washington for that purpose. He found no difficulty in the accomplishment of his mission, and his report herewith transmitted, contains views and suggestions, as to the military organization of the State, well worthy of your consideration.

In concluding this communication, permit me to express my earnest hope that a benignant Providence will preside over your deliberations and render them conducive to the welfare and prosperity of the State.

ROBERT B. LINDSAY.

On motion of Mr. Boyd—

The message of His Excellency the Governor was laid on the table, and (1500) fifteen hundred copies ordered to be printed for the use of the House.

Mr. Lowe—

By leave, offered the following resolution ;

Which was adopted :

Resolved, That that portion of the governor's message which relates to the services and death of General James H. Clanton be referred to a special committee of seven with instructions to report when practicable.

#### RESOLUTION.

Mr. Boyd—

By leave, introduced the following resolution ;

Which was adopted :

Resolved, That the secretary of State be requested to supply each member of this House desiring them a copy of the Revised Code and acts of the general assembly since the adoption of the code, to be returned at the close of the present session of the general assembly.

#### LEAVE OF ABSENCE.

On motion, leave of absence was granted to Mr. McCall and Mr. Sims.

On motion of Mr. Carmichael—

House adjourned until 10 o'clock to-morrow morning.

## THIRD DAY.

WEDNESDAY, November 22, 1871.

House met pursuant to adjournment.

## PRAYER.

Prayer by the Rev. Dr. Wadsworth.

## READING OF JOURNAL.

Journal of yesterday was read and approved.

Mr. Speaker announced the following as the special committee under the resolution adopted on yesterday referring that portion of the governor's message relating to the services and death of General James H. Clanton, to a special committee, to-wit :

Messrs. Lowe, Oates, McCall, Bradford, Lewis, Toulmin and Duskin.

Mr. Toomer, from special committee, reported favorably to Senate bill—

To amend section 15 of an act in relation to the chancery courts in Alabama, with an amendment ;

Which was adopted, and the bill read a third time and passed, and ordered to be sent forthwith to the Senate.

## CALL OF THE COUNTIES.

Upon the call of the counties, the following bills were introduced :

By Mr. Mr. Toulmin—

To prevent homicide.

Also,

To amend section 1860 of the Revised Code.

Also,

To establish public holidays.

By Mr. Graham—

To amend section 3733 of the Revised Code.

By Mr. Lewis—

To repeal an act to prevent murder, lynching and assaults and batteries.

By Mr. Bulger—

To ratify and confirm the actions of the courts of the State

of Alabama, had between the 11th day of January, 1861, and the 22d day of September, 1865.

By Mr. Powell—

To authorize administrators and executors to administer oaths in certain cases.

By Mr. Gates—

To define and punish seduction.

All of which bills were severally read twice under a suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Lewis—

To authorize the commissioners court of Shelby county to levy a special tax from year to year to pay off the present indebtedness of said county.

By Mr. Payne—

To prohibit the sale, making, or giving away of spirituous, vinous, or malt liquors of any kind, within two miles of Summit, in Blount county.

By Mr. Moore—

To amend an act to restrain the powers of the commissioners court of Coffee county.

By Mr. Smith of Choctaw, accompanied with a petition—

To prohibit the sale of vinous or spirituous liquors within two miles of Mount Sterling, in Choctaw county.

By Mr. Smith of Greene—

For the relief of the sureties on the official bond of Newton F. Smith, late tax collector of Greene county.

Were severally read three times forthwith, under suspension of the constitutional rule, and passed.

Message from the Senate, by Mr. Whiting :

SENATE CHAMBER,  
November 22, 1871. }

Mr. Speaker :

The Senate concurs in the amendment of the House to the Senate bill—

To amend section 15 of an act in relation to the chancery courts in Alabama.

M. P. BLUE,  
Secretary.

By Mr. Toulmin—

To authorize the redemption of lands sold for taxes and purchased by the State.

By Mr. Ellison —

For the relief of Emma Clark, a minor.

By Mr. Lewis—

To repeal an act to amend an act to establish revenue laws for the State of Alabama.

By Mr. Box—

To fix the time for the beginning and expiration of the term of office of tax collector in the several counties in this State.

By Mr. Bradford—

To amend subdivision 4 of section 3 of an act to establish revenue laws for the State of Alabama, approved December 31, 1868.

Which were severally read twice, under suspension of the constitutional rule, and referred to the committee on ways and means.

By Mr. Graham—

For the relief of Willie Raiford, of Marengo county.

By Mr. Bulger—

To authorize Mrs. Melissa Howle, widow of Thos. T. Howle, deceased, to sell certain lands, and make title to the same.

By Mr. Clements—

To prohibit the sale of spirituous, vinous or malt liquors within two miles of Kennedale cotton mills, in Tuscaloosa county.

Also,

To authorize and empower the judges of probate of each county to procure copies of field notes.

By Mr. Howell—

To empower Mrs. Caroline Durrah, of Cleburne county, to sell certain lands ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. Bradford—

To declare and prescribe the duties of county solicitors,

By Mr. Clements—

To amend section 2340 of the Revised Code.

By Mr. Smith of Choctaw—

To secure justices of the peace and notaries public in their fees in certain cases.

By Mr. Carmichael—

To amend section 3306 of the Revised Code.

By Mr. Bullock—

To amend section 2377 of the Revised Code.

Also,

To facilitate the investigation of crimes and misdemeanors by grand juries ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the revision of the laws.

By Mr. Black—

To incorporate the Bluff City Hook and Ladder Company of the city of Eufaula.

By Mr. Steele—

To incorporate the town of Cherokee, in Colbert county ;

Which were read twice, under a suspension of the constitutional rule, and referred to the committee on incorporations.

By Mr. Carmichael—

To establish a system of internal improvements in the State of Alabama ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Lewis—

To repeal article 1, title 2, part 1, of the Revised Code,

By Mr. Williams—

To repeal an act to establish public pounds in the county of Montgomery, approved March 3, 1870.

By Mr. Graham—

To erect the agricultural district of South Perry, in Perry county ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on agriculture.

By Mr. Bradford—

To secure a free exercise of the elective franchise in this State ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Greene moved to lay the bill on the table ;

Which motion was lost.

On motion of Mr. Oates—

The further consideration of the bill was indefinitely postponed—Yeas 43, nays 39.

Yeas—Messrs. Appleton, Black, Box, Bullock, Carmichael,

Clark, Clements, Cowan, Crook, Curtis, Davis, Diggs, Dinkin, Ellison, Gee Gilchrist, Graham, Gray son of Madison, Green, Henry, Johnson of Coosa, Johnson of Dallas, King, Knox, Lewis, McCaskey, Murrah, Oates, Perrin, Powell, Rice, Smith of Greene, Smitherman, Speake, Speed, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Thompson, Toulmin, Weatherford and Williams—43.

Nays—Messrs. Speaker, Alley, Ashurst, Benson, Boyd, Bradford, Bulger, Callaway, Carlin, Cochran, Coleman, Dozier, Dustan, Etheridge, Gunn, Hamilton, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Leath, Lindsey, Lowe, Lumpkin, Marlowe, Miller, Moore, Ninninger, Payne, Raisler, Sims, Smith of Choctaw, St. Clair, Ware, Wells and White—39.

By Mr. Black—

To incorporate the Devoted Brothers, of Eufaula ;

Which was read twice, under a suspension of the constitutional rule, and, on motion of Mr. Gates, was laid on the table.

By Mr. Crook—

To change the line between the counties of Calhoun and Etowah ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on counties and county boundaries.

By Mr. White—

To provide for the collection and distribution of fines and forfeitures in the counties of Clay and Coosa ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on fees and salaries.

By Mr. Leath—

To relieve Washington C. Stiff, of Cherokee county, from the disabilities of non age;

Which was read twice, under a suspension of the constitutional rule.

Mr. Carmichael moved to amend by adding the names of Jethro N. Walker and George E. Walker, of Dale county.

Mr. Ashurst moved to amend the amendment by inserting W. Veasey, of Macon county.

Pending consideration of which—

On motion of Mr. Hewitt, the bill and amendments were indefinitely postponed.

By Mr. Lewis—

To repeal an act to authorize the several counties, towns and cities of the State of Alabama to subscribe to the capital

stock of such railroads throughout the State as they consider most conducive to their respective interests ;

Which was read a first time, and ordered to a second reading.

By Mr. Bulger—

A bill to give force and effect to foreign judgments in the courts of this State ;

Which was read twice under a suspension of the constitutional rule.

Mr. Hewitt moved to amend, by striking out the word "foreign" wherever it occurs, and after the word "State," insert the words "during the late war ;"

The bill and amendment were referred to the committee on the judiciary.

The several documents accompanying the governor's message were referred to the committee on printing.

By leave, Mr. Lewis offered the following resolution, which was adopted:

Resolved, That Col. Hodgson, Superintendent of Public Instruction, be respectfully and earnestly invited to address this House in this Hall, on Friday next at 4 o'clock p. m., on the subject of our educational interests.

By leave, Mr. Carmichael offered the following resolution, which was adopted :

Resolved, That the committee on ways and means, be instructed and required to originate and report a bill to this House at as early a day as practicable to establish revenue laws for the State of Alabama.

By leave, Mr. Bradford offered the following joint resolution, which was referred to the committee on the judiciary :

Resolved by the House, (the Senate concurring,) That the two Houses of the General Assembly meet in the Hall of the House of Representatives, on Thursday, the — day of December prox., and elect solicitors for the several judicial circuits of the State.

Mr. Speaker, announced the following as the joint committee on the part of the House to examine the offices of the auditor and treasurer, under the provisions of section 40 of the Revised Code, to-wit:

Messrs, Ellison, Smitherman and Smith of Sumter, and as additional members of the committee on ways and means, Messrs. Hewitt, Bradford and Rice.

Mr. Speaker also announced, that the committee on agriculture and commerce should hereafter be the committee on



commerce, and that the following would compose a committee to be known as the committee on agriculture, to-wit:

Messrs. Boyd, Ellison, Smith of Greene, Nininger, Henderson, Gilchrist, Etheridge, Bullock and Mancil.

#### CALL OF THE COUNTIES RESUMED.

The House resumed the call of the counties, whereupon Mr. Oates introduced a bill—

In relation to agricultural laborers ;

Which was read twice under suspension of the constitutional rule.

Mr. Carmichael moved to amend the bill as follows :

Provided, That nothing herein contained, shall be so construed as to create such lien, unless such contract shall be in writing.

Pending the consideration of which, on motion of Mr. Graham—

The House adjourned until to-morrow morning 10 o'clock.

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#### FOURTH DAY.

THURSDAY, November 23, 1871.

The House met pursuant to adjournment.

#### PRAYER.

Prayer by the Rev. Dr. Wadsworth, of this city.

#### READING OF JOURNAL.

The journal of yesterday was read and approved.

Message from the Senate by Mr. Whiting :

SENATE CHAMBER,  
November 23, 1871.}

Mr. Speaker :

The Senate has originated and passed a bill:

To fix the times of holding the circuit courts of the third judicial circuit.

M. P. BLUE,  
Secretary.

Mr. Lowe, from the special committee, to whom was referred that portion of the governor's message relating to the services and death of Gen. James H. Clanton, reported the following resolutions, which were adopted :

1. Resolved, That the House of Representatives of the State of Alabama, has received with sincere and profound sensibility the intelligence of the death of Gen. James Holt Clanton, a statesman without guile, a soldier without fear, and a citizen in every respect of the most noble and exemplary character.

2. Resolved, That the officers and members of this House will wear the usual badge of mourning for thirty days, as a testimony of their respect for the memory of the deceased.

3. Resolved, That the proceedings of this House be communicated by the clerk to the family of the deceased, and that as a further mark of respect for the memory of the deceased, this House do now adjourn.

Mr. Speaker declared the House adjourned until to-morrow morning 10 o'clock.

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#### FIFTH DAY.

FRIDAY, November 24, 1871.

The House met pursuant to adjournment.

#### PRAYER.

Prayer by the Rev. Dr. Wadsworth.

#### READING OF JOURNAL.

The journal of yesterday was read and approved.

The House proceeded to the consideration of the bill—

In relation to agricultural laborers, which was under consideration at adjournment on yesterday.

The question pending being the adoption of the amendment offered by Mr. Carmichael,

By leave, Mr. Carmichael withdrew his amendment, and the bill was laid on the table, and 150 copies ordered to be printed for the use of the House.

Upon the further call of the counties, the following bills were introduced :

By Mr. Oates—

To define the operation of the exemption laws of Alabama.

By Mr. Toulmin—

To amend section 1 of " an act to empower the Governor to appoint notaries public."

Also,

To declare valid the acts of notaries public in certain cases.

Also,

To repeal an act for the relief of laborers and employees.

By Mr. Curtis—

In regard to the competency of witnesses.

By Mr. Hodo—

To prevent the removal of mortgaged property.

By Mr. Speaker—

To confer upon married women under 21 years of age, the same rights and obligations in law and equity as is possessed by married women over 21 years of age.

Also,

To empower Christopher Tompkins and Melissa A. Fitzpatrick to sell certain land.

By Mr. Smith of Sumter—

To establish uniform rates of freight and travel on the railroads within the State of Alabama.

Also,

To compel probate judges and other county officers of the county of Sumter to give as sureties on their official bonds, persons residing in said county.

By Mr. Bradford—

To require circuit judges to abstain from holding courts in their own circuits for two successive terms of said courts.

All of which were severally read twice under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Lowe—

To establish the court of Huntsville ;

Which was read twice under a suspension of the constitutional rule.

Mr. Grayson of Madison—

Moved to amend section 12, by striking out " three thousand " and inserting " twenty-five hundred " (2500) ;

Which was adopted ;

And the bill was referred to the judiciary.

By Mr. Oates—

To authorize judges of probate to change the names of persons applying therefor.

By Mr. Hewitt—

To repeal sections 2634, 2535, 2536 of the Revised Code.

Also,

To amend section 2136 of the Revised Code.

Also,

To amend section 2421 of the Revised Code.

Also,

To repeal section 1401 of the Revised Code,

Also,

To exempt certain property therein named from levy and sale under execution, or other final process of any court of this State, for the collection of a debt.

To repeal sections 2880, 2881, 2882, 2883 and 2884, of the Revised Code.

Also,

To amend section 3931 of the Revised Code.

Also,

To repeal section 3932 of the Revised Code.

By Mr. Raisler—

To amend section one (1), of an act to fix the times of holding courts in the 4th judicial circuit, approved January 23, 1871.

By Mr. Lowe—

To authorize and regulate appeals in certain cases.

By Mr. Toulmin—

To amend section 2660 of the Revised Code.

By Mr. Ellison—

To require the judge of the probate court of Mobile county, to account for all fees, costs, charges, &c., received by him.

Also,

To amend section 3517 of the Revised Code as to Mobile county.

Also,

To authorize the judge of probate court of Mobile county, to employ two clerks in said office.

By Mr. Semmes—

To repeal section 149 of the Revised Code.

By Mr. Henry—

To authorize Thos. E. Blanchard, a citizen of Georgia, to qualify as executor of the estate of John Mitchell, deceased.

By Mr. Smith of Sumter—

For the protection of owners of land in payment by railroad companies, their lessees and agents for rights of way, and other privileges.

Also,

Providing a more convenient mode of suing railroad companies and their lessees,

All of which were severally read twice under suspension of the constitutional rule, and referred to the committee on the revision of the laws.

By Mr. Hurt—

To secure success to the railroads in this State.

By Mr. Taylor of Lauderdale—

To secure a more thorough assessment of the real property in the State.

Also,

To provide for a final disposition of the bonds deposited with the treasurer by insurance companies for the protection of policy holders on property in this State.

Also,

To amend section 47 of an act to establish revenue laws for the State of Alabama, approved December 31, 1868.

By Mr. Speaker—

For the relief of W. P. Bruce.

By Mr. Bradford—

To force the collection of taxes from Express companies.

All of which were severally read twice under a suspension of the constitutional rule, and referred to the committee on ways and means.

By Mr. Hewitt—

To authorize Wm. H. Wood, administrator of the estate of Richard H. Wood, deceased to sell the land belonging to said estate at private sale.

By Mr. Speaker—

To remove the guardianship of Bird and James Fitzpatrick to Bullock county.

Which were severally read twice under a suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. Taylor of Lauderdale—

To secure to the different counties of the State a proportional share of the public school money.

By Mr. Speaker—

To issue a patent to lands therein described to Daniel Carlisle.

Which were severally read twice under a suspension of the constitutional rule, and referred to the committee on education.

By Mr. Speaker—

To amend section 6 of an act to incorporate the Baptist female institute at Moulton ;

Which was read three times under a suspension of the constitutional rule, and passed.

By Mr. Gunn —

To incorporate Somerville, in Morgan county.

By Mr. Boyd—

To incorporate the town of Guntersville, in Marshall county.

By Mr. Gunn—

To prohibit the sale of liquors in Somerville.

By Mr. Murrah—

To amend section 4 of an act to incorporate the town of Pickensville.

Which were severally read twice under suspension of the constitutional rule, and referred to the committee on corporations.

By Mr. Toomer—

To require electors to vote in the precinct of their residence ;

Which was read twice, under suspension of the constitutional rule.

Mr. Hewitt moved to amend by proviso as follows :

Provided, This act shall not apply to the county of Jefferson.

Which was adopted.

Mr. Leath moved to amend by proviso as follows:

Provided, This act shall not apply to the county of Cherokee ;

Which was lost.

Mr. Thompson moved to amend by a similar proviso as to the county of Montgomery ;

Which was laid on the table.

Mr. Thompson moved to lay the bill on the table ;

Which motion was put and lost.

Mr. Moore moved to amend by striking out the words " null and void" and inserting in lieu thereof the word " illegal ;"

Which motion carried.

And the bill was referred to the committee on privileges and elections.

Mr. Taylor, from the committee on public printing, to which was referred the documents accompanying the governor's message, reported as follows:

The committee on public printing, to which was referred the question of printing the documents mentioned in and accompanying the message of His Excellency the governor, have had the same under consideration, and instruct me to report them back to the House, and recommend the printing of fifteen hundred copies each of the same.

While making this recommendation, your committee would however beg leave to state that in the report of the examining commissioners appointed to examine the offices of the auditor, treasurer and superintendent of public instruction, they find certain matter which they consider irrelevant and not necessary for purposes of public information, and which your committee would recommend the omission from publication, were it not that they doubt the propriety of taking such liberty with a document submitted as a whole for public inspection.

The report was concurred in.

By Mr. Toulmin—

To allow J. J. Delchamps, of the county of Mobile, to cut a canal, and to collect tolls thereon.

By Mr. Smith of Sumter—

To regulate office hours for the sale of tickets to the traveling public on the railroads in the State of Alabama.

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Hodo—

To fix the time of holding circuit courts in the seventh judicial circuit.

Also,

To repeal an act to fix the time of holding the circuit courts in the seventh judicial circuit.

Also,

To repeal an act changing the time of holding the circuit courts in Sumter and Choctaw counties.

All of which were severally read twice, under a suspension of the constitutional rule, and referred to a special committee consisting of Messrs. Hodo, Smith of Sumter, Smith of Choctaw, Dustan and Bullock.

By Mr. Raisler—

To require the justices of the supreme court to reinstate

upon the docket of said court, upon certain conditions therein expressed, a certain appeal from the circuit court of Limestone county ;

Which was read twice under a suspension of the constitutional rule, and referred to a special committee of five, consisting of Messrs. Boyd, Lewis, Lowe, Powell and Hewitt.

By Mr. Speaker—

To make James H. Crowder a citizen of Pike county, by changing the boundary line between Pike and Bullock counties ;

Which was read twice, and referred to the committee on county boundaries.

By Mr. Gunn—

To issue a patent to D. D. Gibson and J. N. Bibb, administrators of the estate of James M. Freeman ;

Which was read twice under a suspension of the constitutional rule, and ordered to a third reading.

Mr. Lewis—

By leave, offered the following resolution ;

Which was adopted :

Resolved, by the House of Representatives, (the Senate concurring,) That a joint committee be appointed, consisting of three members of the House and three of the Senate, to which shall be referred that part of the governor's message relating to his indorsement of railroad bonds, the payment of interest by him on railroad bonds, the seizure of the Alabama & Chattanooga railroad, the adjudication of the company claiming said road by the United States district court to be a bankrupt. That said committee report to the general assembly all information that can be obtained upon said subject, and further report by bill or resolution such measures as may be necessary to save the State from loss by reason of her present complicated and embarrassing relations to said Alabama & Chattanooga railroad. And said committee to have the power to send for persons and papers.

The following are the committee on the part of the House, to-wit :

Messrs. Lewis, Crook, Smith of Sumter, Clement, Drake, Toulmin and Duskin.

By Mr. Smith of Sumter—

To relieve Mary S. Harris, of Sumter county, from settling her guardian accounts in the probate court of said county for the space of five years ;



Which was read twice, under a suspension of the constitutional rule, and referred to a special committee as follows, to-wit : Smith of Sumter, Hewitt and Lewis.

By Mr. Dustan—

To raise funds for the benefit of the fire departments in this State ;

Which was read twice, under a suspension of the constitutional rule, and referred to a special committee of three as follows, to-wit: Messrs. Dustan, Crook and Semmes.

Mr. Thompson presented the credentials of Mansfield Tyler, member elect from the county of Lowndes, elected to fill the vacancy of N. D. Stanwood, former member of said county.

Mr. Tyler was qualified by taking the oath required by the constitution, and took his seat as member of the House.

Message from the Senate, by Mr. Whiting :

SENATE CHAMBER,  
November 24, 1871. }

Mr. Speaker :

The Senate has originated and passed the following bills—

For the relief of Ann Eliza Shelton, of Montgomery county, F. Jane Cook, of Wilcox county, Samuel D. Pitts, of Bibb county, and Samuel H. Hardwick, of Montgomery county.

For the relief of C. A. Bradford, of Mobile.

M. P. BLUE,  
Secretary.

#### ORDERS OF THE DAY.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the orders of the day.

The bill to repeal an act to authorize the several counties and towns and cities of the State of Alabama to subscribe to the capital stock of such railroads throughout the State as they may consider most conducive to their respective interests ;

Was read a second time.

Mr. Thompson moved to amend by proviso, as follows:

Provided, This act shall not apply to the county of Dale ;  
Which was lost.

Mr. Moore moved a similar proviso as to Coffee county ;  
Which was lost.

And the bill was referred to the committee on internal improvements.

The general orders being disposed of, the House proceeded to the consideration of the Senate bills.

The Senate bills for the relief of Ann Eliza Shelton of Montgomery county ; F. Jane Cook of Wilcox county ; Samuel D. Pitts of Bibb county, and Samuel H. Hardwick of Montgomery county ;

Were read twice under a suspension of the constitutional rule.

Mr. Speake moved to amend by inserting the names of John P. Lindsay of Colbert and William T. Prewitt of Lawrence.

Mr. Carmichael moved to amend by inserting the names of Jethro N. Walker and George E. Walker of Dale county.

Mr. Ashurst moved to insert the name of J. W. Veary.

Mr. Cowan moved to amend by inserting the name of William Mitchell Hill of Jackson county.

Mr. Duskin moved to amend by inserting the name of Isaac Hale Snedcor of Hale county.

Mr. Leath moved to amend by inserting the name of Washington C. Stiff of Cherokee county.

Mr. Clements moved to amend by inserting the name of Thomas Cummings of Tuscaloosa county.

Mr. Toomer moved to amend by inserting the name of Nathan Davis Read of Lee county.

Mr. Crook moved to amend by inserting the name of Emmett F. Crook of Calhoun county.

Mr. Marlowe moved to amend by inserting the name of Natalie Therese Cochran of Dallas county.

Mr. Smith of Sumter moved to amend by inserting the name of Mrs. Elizabeth Gillespie of Sumter county.

Mr. Lowe made the point of order that all the amendments were out of order and could not be considered, except the first amendment and the amendment to said first amendment ;

Which point of order was sustained by the chair.

Pending the consideration of the amendment of Mr. Carmichael to the amendment of Mr. Speake—

On motion of Mr. Hewitt, the House adjourned until tomorrow morning 10 o'clock.

SIXTH DAY.

SATURDAY, November 25, 1871

The House met pursuant to adjournment.

PRAYER.

Prayer by Rev. Dr. Wadsworth.

LEAVE OF AB8ENCE.

On motion of Mr. Moore, leave of absence was granted to Mr. Powell.

CALL OF THE COUNTIES.

Upon the call of the counties the following bills were introduced :

By Mr. Bulger—

To protect estates and purchasers in sales of property by executors, administrators, guardians and trustees.

Also, to prohibit the conversion of money by justices of the peace and notaries public.

By Mr. Clements—

To fix the time of holding the chancery court in Tuscaloosa county.

Also, to fix the time of holding the circuit court in the 3d judicial circuit, and to repeal the 3d paragraph of section 750 of the Revised Code.

By Mr. Powell—

To authorize A. B. Peacock, administrator of the estate of Edward P. Brooks, deceased, late of Butler county, to sell certain lands belonging to said estate at private sale.

By Mr. Johnson of Coosa —

To abolish the county court for Coosa county.

All of which were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Mancill—

To abolish the county criminal court of Covington county ; Which was read twice, under suspension of the constitutional rule.

Mr. Boyd moved to amend by striking out the last clause,

as follows : "so far as relates to the counties of Covington, Marengo, Montgomery and Jefferson"

Mr. Doster moved to refer the bill and amendment to the committee on the judiciary, with instructions to report a bill to abolish the county court.

Mr. Oates moved to lay the bill and amendment on the table ;

Which motion having precedence over the motion to commit, was put and lost.

Yeas 23, nays 63.

Those who voted in the affirmative are :

Messrs. Black, Bullock, Carmichael, Cochran, Davis, Drake, Ellison, Gaskin, Gee, Haralson, Johnson of Dallas, King, Lewis, Lowe, McCall, Marlowe, Ninninger, Oates, Rice, Smith of Greene, Speed, Toulmin and Tyler—23.

Those who voted in the negative are :

Messrs. Speaker, Appleton, Benson, Box, Boyd, Lauderdale, Bulger, Callaway, Carlin, Clements, Coleman, Cowan, Craig, Crook, Curtis, Davis, Dozier, Duskin, Dustan, Graham, Grayson of Madison, Greene, Gunn, Hamilton, Henderson, Henry, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Knox, Leath, Lindsay, Lumpkin, McCaskey, Mancill, Miller, Moore, Murrah, Payne, Perrin, Powell, Raisler, Semmes, Sims, Smith of Choctaw, Smith of Sumter, Smitherman, Speake, St. Clair, Steele, Taylor of Lauderdale, Taylor of Winston, Thompson, Ware, Weatherford, Wells, White and Williams—63.

The question recurring on Mr. Doster's motion to commit, with instruction,

Mr. McCall moved to amend the motion by instructing the committee to exempt the county of Bullock from the operations of the bill, which was put and lost.

And the bill and amendment were referred to the committee on the judiciary.

By Mr. Appleton—

To change the line between the counties of Cherokee and DeKalb.

By Mr. Smitherman -

To declare Thorington Perkins and Stephen Abercrombie, liners between the counties of Perry and Bibb, citizens of Bibb county; and to change the line between said counties.

By Mr. Powell—

To restrain the tax collector of Butler county from collect-

ing the taxes assessed for 1871, for county purposes, in said county, until the 1st day of May, 1872.

Also, to restrain the commissioners court of Butler county from levying a tax for county purposes of more than 50 per cent. of the present State tax.

By Mr. Callaway—

To restrain the commissioners court of Crenshaw county from levying a tax for county purposes of more than 50 per cent. on the present State tax.

By Mr. Johnson of Coosa—

To repeal subdivision 11 of section 112 of the revenue laws of Alabama.

Also, to repeal subdivision 18 of section 112 of the revenue laws of Alabama.

By Mr. Weatherford—

To abolish the office of tax collector of Franklin county ;

Which were severally read twice, under suspension of the constitutional rule, and referred to the committee on ways and means.

By Mr. Powell—

To remove the administration of the estate of James W. Powers, deceased, from the county of Wilcox to the county of Butler.

By Mr. Etheridge—

To authorize and empower A. W. Jones, probate judge of Conecuh county, to exercise jurisdiction over the estate of Jephtha V. Ferryman, deceased ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. Powell—

To authorize James O. Adkins, of Butler county, to erect gates across the public road leading from Greenville to Cahaba.

By Mr. Lumpkin—

Requiring the justices of the peace of Chambers county to act as apportioners and supervisors of the public roads in their respective beats.

By Mr. Smith of Choctaw—

To amend an act to enable the commissioners courts of St. Clair, Walker and Choctaw counties to erect bridges and have public buildings repaired, and to make said claims preferred claims against said counties, approved February 7, 187 .

By Mr. Callaway—

To declare all roads over which the United States mail is carried to be public roads, and to compel commissioners courts to have the same worked as other public roads ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on roads and highways.

By Mr. Powell—

To prevent railroad companies in this State from discriminating between local and through freights.

By Mr. Carmichael—

To authorize and require the Governor to date the indorsement on certain railroad bonds therein named ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on internal improvement.

By Mr. Crook—

To authorize the resignation of guardians.

By Mr. Smith of Choctaw—

For the benefit of plaintiffs in attachment ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the revision of the laws.

By Mr. Ware—

To decrease the pay of the commissioners court of Chambers county ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on fees and salaries.

By Mr. Leath—

To amend section 3 of an act to incorporate the town of Gadsden, in Etowah county, approved March 2, 1871 ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on corporations.

By Mr. Smith of Choctaw—

The following bills :

To supply the county of Choctaw with a tract book ;

To furnish the judge of probate of Choctaw county a list of all lands sold for taxes since May 25, 1865, and purchased by the State ;

To authorize the commissioners court of Choctaw county to procure a map and field notes of the survey of all land in said county ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to a special committee,

consisting of Messrs. Smith of Choctaw, Coleman, Holmes of Sumter, and Carlin.

By Mr. Smith of Choctaw—

To supply the probate judge of Choctaw county with books and documents.

By Mr. Lewis—

For the relief of the board of regents ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

By Mr. Etheridge—

To establish an election precinct at Brushy Creek church, in Conecuh county.

By Mr. Johnson of Dallas—

To repeal an act to amend the charter of the city of Selma, approved December 4, 1868.

By Mr. Steele—

To divide the counties of Franklin and Colbert each into four commissioners' districts;

Which were severally read twice, and referred to the committee on privileges and elections.

By Mr. Appleton—

For the relief of Lafayette F. Reid, of Etowah county ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on appropriations.

By Mr. Weatherford—

For the relief of R. S. Watkins, of Franklin county ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on education.

Report of a standing committee :

#### EDUCATION.

By leave, Mr. Powell—

From the committee on education, reported favorably to the bills—

To require county superintendents to keep the funds of each township separate and distinct ;

To keep the school fund separate from the other funds of the State ;

Which were severally ordered to be engrossed for a third reading on to-morrow.

Message from the Senate, by Mr. Whiting :

Mr. Speaker :

The Senate has passed House bills as follows :

To authorize the commissioners court of Shelby county to levy a special tax from year to year, to pay off the present indebtedness of said county.

To prohibit the sale of spirituous liquors within two miles of Summit, in Blount county.

To repeal an act to regulate the liability of persons to work on the public roads in the county of Benton, approved December 6, 1849.

The Senate has originated and passed bills as follows :

To authorize the commissioners court of Tuscaloosa county to build a bridge over Black Warrior river, to appoint trustees thereof, to issue and sell bonds of the county, and to secure said bonds by mortgage.

For the relief of James R. Barrick, of Henry county, and Henry Hurst, of Jefferson county, minors.

M. P. BLUE,  
Secretary.

Mr. Lewis, by leave—

Offered the following resolution, which was adopted :

Resolved, (the Senate concurring,) That a committee of five be appointed on the part of the House of Representatives, to act with a committee of three on the part of the Senate, to confer with a committee to be raised by the Board of Education, to devise ways and means to carry into effect the educational system of this State, with leave to report by bill or otherwise.

Mr. Johnson of Coosa—

Moved to take from the table the resolution proposing the appointment of a sergeant-at-arms ;

Which was put and lost.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the

#### GENERAL ORDERS.

The first in order being the Senate bill—

For the relief of Ann Eliza Shelton, of Montgomery county, F. Jane Cook, of Wilcox county, Samuel D. Pitts, of Bibb county, and Samuel H. Hardwick, of Montgomery ;

The question pending being on the adoption of the amendment of Mr. Carmichael to the amendment of Mr. Speake—



Mr. Bulger moved to lay the bill and amendments on the table ;

Which was carried—Yeas 43, nays 37.

Yeas—Messrs. Speaker, Benson, Box, Boyd, Bradford, Bulger, Clements, Coleman, Crook, Drake, Dustan, Ellison, Gunn, Hamilton, Haralson, Hewitt, Hitchcock, Hodo, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, Leath, Lewis, Lindsey, Lumpkin, Miller, Ninninger, Payne, Perrin, Raisler, Semmes, Sims, Smith of Greens, Smith of Sumter, Steele, Strauss, Taylor of Lauderdale, Thompson, Toulmin, Tyler, Ware and Wells—43.

Nays—Messrs. Appleton, Black, Bullock, Carmichael, Clark, Cochran, Cowan, Craig, Curtis, Davis, Diggs, Doster, Dozier, Duskin, Gaskin, Graham, Grayson of Madison, Greene, Henderson, Henry, Holmes of Sumter, Kennedy, King, Knox, Lowe, McCall, Marlowe, Murrah, Rice, Smith of Choctaw, Smitherman, Speake, Speed, St. Clair, Taylor of Winston, Weatherford and Williams—37.

Mr. Boyd moved to reconsider the vote just taken ;

Which was put and lost.

The bill—

To authorize the governor to issue a patent to D. D. Gibson and John A. Bibb, administrators of the estate of James M. Freeman, deceased,

Was read a third time and passed.

#### SENATE MESSAGE.

The following message from the Senate, by Mr. Whiting, was received:

SENATE CHAMBER,  
November 25, 1871. }

Mr. Speaker :

The Senate has passed the following House bills :

To amend an act to restrain the powers of the commissioners court of Coffee county.

To prohibit the sale of liquors within two miles of the town of Mt. Sterling, in Choctaw county.

M. P. BLUE,  
Secretary.

By leave, Mr. Henry—

From the committee on agriculture, to which was referred a communication from A. Strassburger, President of the Board of Trade of the city of Montgomery, reported a resolution as follows, which was adopted :

Resolved, That it is the request of this house that each member, or one at least from each county, file with the clerk, on or before Monday the 27th inst., or as soon thereafter as practicable, answers to the interrogatories contained in the communication of Mr. Strassburger, in reference to the yield and growth of cotton crop of 1871 in this State.

#### LEAVE OF ABSENCE.

Leave of absence was granted to Messrs. Ellison and Etheridge.

On motion of Mr. Haralson—

House adjourned until Monday morning 10 o'clock.

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#### SEVENTH DAY.

MONDAY, November 27, 1871.

House met pursuant to adjournment.

In the absence of Mr. Speaker, on motion of Mr. Lewis—  
Mr. Murrah was called to the chair.

#### PRAYER.

Prayer by Rev. Mr. Gwin.

#### READING OF JOURNAL.

The journal of yesterday was read and approved.

#### REPORTS OF SPECIAL COMMITTEES.

Mr. Coleman—

From a special committee, reported favorably to the following bills :

To supply the county of Choctaw with a tract book ;

To authorize the commissioners court of Choctaw county to procure a map and field notes of the survey of the lands in said county ;

To require the auditor to furnish the probate judge of Choctaw county a list of all lands sold for taxes since May 25th, 1865, and purchased by the State.

All of which were severally ordered to be engrossed for third reading,

Mr. Dustan—

From a special committee, reported a substitute for the bill—

To raise funds for the benefit of the fire departments of this State, with the following title :

To raise from fire, marine or river insurance companies a fund for the benefit of fire companies in the State of Alabama.

The substitute was adopted, and the bill ordered to be engrossed for a third reading.

#### LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Murrah and Mr. Gilchrist.

#### CALL OF THE COUNTIES.

Upon call of the counties, the following bills were introduced :

By Mr. Smith of Greene—

To amend section 082 of the Revised Code, and to regulate the proceedings as to the sale of lands belonging to insolvent estates.

By Mr. Oates—

To amend sections 3706 and 3707 of the Revised Code.

Also,

To amend section 3705 of the Revised Code.

Which were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Bullock—

To secure physicians in the payment of their fees for services rendered in certain cases ;

Which was read twice under suspension of the constitutional rule.

Mr. Carmichael moved to insert after " physicians," " attorneys-at-law " : and " ministers of the gospel ;"

Which was laid on the table.

Mr. Boyd moved to amend by a proviso as follows, which was adopted :

Provided, That it shall be the duty of physicians under this act to render medical assistance to all classes and conditions of life, irrespective of the pecuniary ability of those seeking medical aid; and any refusal to render such service shall be punished as a misdemeanor in any court having jurisdiction.

Mr. Bullock moved to lay the amendment on the table ;

Which motion was put and lost, and the amendment was adopted.

Mr. Toomer moved to amend as follows :

Provided, the provisions of this act shall not apply to any physician who has refused to perform medical services without pay in advance."

Mr. Boyd moved to lay the bill and amendments on the table ;

Which was lost—Yeas 10, nays 60.

Those who voted in the affirmative are—

Messrs. Boyd, Doster, Hamilton, Hewitt, Holmes of Baldwin, Holmes of Sumter, Payne, Perrin, Raisler, Toomer—10.

Those who voted in the negative are—

Messrs. Appleton, Ashurst, Benson, Black, Box, Bradford, Bullock, Callaway, Cowan, Craig, Crook, Curtis, Davis, Diggs, Dozier, Duskin, Dustan, Graham, Grayson of Madison, Green, Gunn, Henry, Hitchcock, Hodo, Howell, Hurt, Johnson of Coosa, King, Knox, Leath, Lewis, Lindsay, Lowe, Lumpkin, McCall, McCaskey, McDurmot, Miller, Murrah, Oates, Rice, Semmes, Sims, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, Speed, St. Clair, Steele, Taylor of Lauderdale, Taylor of Winston, Thompson, Toulmin, Ware, Weatherford, Wells, White and Williams—60.

The bill was referred to the committee on the judiciary.

By Mr. Bullock—

To prevent the sale, barter or exchange of agricultural products upon which there is a lien, or of which a division has not been made between employers and employees;

Which was read twice under a suspension of the constitutional rule.

Mr. Semmes moved to amend as follows:

Provided such lien shall be created by instrument in writing, duly recorded.

Mr. Hurt moved to amend the amendment as follows:

By adding, " within thirty days after its execution ;"

Which was lost.

The amendment was adopted.

Mr. Bullock moved to amend as follows :

Provided further, the provisions of this act shall not apply to landlord's lien, or advances to make the crop.

The bill was referred to the committee on the judiciary.

By Mr. Oates—

To provide for the payment of sheriff s out of the county treasury for victualing State prisoners;

Which was read twice under a suspension of the constitutional rule.

Mr. Moore moved to amend the bill, so as to exempt the county of Coffee from its provisions ;

Which was lost.

Mr. Moore moved to lay the bill on the table ;  
Which was lost, and the bill was referred to the committee on the judiciary.

By Mr. Bullock—

For the relief of John B. Davis, tax collector of the county of Greene ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means.

By Mr. Cowan—

To amend section 1402 of the Revised Code ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Speake—

To require tax collectors to pay to county superintendents the school funds due the respective counties;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on education.

Message from the Senate, by Mr. Whiting:

SENATE CHAMBER,  
November 27, 1871. }

Mr. Speaker :

The Senate has originated and passed bills as follows :

To prevent the selling of liquors within two miles of Lentzville church and school house, in Limestone county.

To enforce the better working of the public roads in Franklin county.

To require the holders of the treasury notes issued by the commissioners court of Russell county to present them for redemption.

To authorize the governor to raise money, by loan or otherwise.

M. P. BLUE,  
Secretary.

The hour of 12 o'clock having arrived, the call of the counties was suspended.

Mr. Rice, from the committee on enrolled bills, reported the following as correctly enrolled :

To prohibit the sale of liquors of any kind within two miles of Summit, in Blount county.

To authorize the commissioners court of Shelby county to levy a special tax from year to year, to pay off the present indebtedness of said county.

To repeal an act to regulate the working on public roads in the county of Benton, approved December 6, 1849.

To prohibit the sale of liquors within two miles of Mt. Sterling in Choctaw county.

To amend an act to restrain the powers of the commissioners court of Choctaw county.

Mr. Toulmin, from the committee on the judiciary, reported favorably to the following bills :

To repeal an act to regulate the publication of legal and other notices in the counties of Walker, Shelby, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, approved March 3d, 1871, so far as relates to the county of Dale.

To amend an act to re-organize and establish a municipal government for the city of Mobile.

To compensate the solicitor of Limestone county in certain cases.

To regulate sales by sheriffs in this State ;

Which were severally ordered to be engrossed for third reading on to-morrow.

Mr. Toulmin, from same committee, reported favorably to the bill :

To prohibit the unlawful injury of animals, with amendments as follows :

"Add the words " and wilfully" after the word "unlawful," and also strike out section 2 ;

The amendments were adopted, and the bill ordered to a third reading.

Also, from same committee, reported adversely to the following bills :

To punish persons for violating their contracts in certain cases.

To protect property upon which a levy has been made.

To authorize the chancellor to fix the times for holding the chancery courts in the several chancery districts in the eastern chancery division ;

All of which were severally concurred in.

Mr. Oates, from the committee on ways and means, reported favorably to the bills :

For the relief of Emma Clark, a minor.

To repeal an act to authorize the commissioners of revenue for Mobile county to elect a tax assessor for said county and remove said assessor ;

Which were severally ordered to a third reading.

Mr. Lewis, from the committee on corporations, reported favorably to the following bills :

To incorporate the town of Guntersville, in the county of Marshall.

To incorporate the Bluff City Hook and Ladder company of the city of Eufaula.

To prohibit the sale of liquors in Somerville in Morgan-county.

To amend section 4 of an act to incorporate the town of Pickensville.

To prohibit the sale of spirituous liquors within one mile of Salem church, in Cherokee county.

To incorporate the town of Cherokee in Colbert county ;  
All of which were severally ordered to a third reading.

Mr. Lewis, from the committee on corporations, reported favorably to the bill :

To incorporate Somerville in Morgan county, with an amendment as follows:

In 3d section strike out the clause "on the 2d Monday in March," and insert "on the 1st Monday in January ;"

Which was adopted, and the bill ordered to a third reading.

On motion of Mr. Gates, the bill in relation to agricultural laborers, was taken from the table and its further consideration made the special order for to-morrow 12 o'clock, m.

Reports of committees being disposed of the House proceeded to the consideration of the

#### GENERAL ORDERS.

The bills—

To keep the school fund separate from other funds of the State.

To require county superintendents of free public schools of this State to keep the public funds of each township separate and distinct ;

Were severally read the third time, and passed.

The Senate bill—

To fix the times of holding the circuit courts in the third judicial circuit ;

Was read twice under a suspension of the constitutional rule, and referred to the judiciary committee.

The Senate bills—

To authorize the commissioners court of Tuscaloosa county

to build a bridge over the Black Warrior river, to appoint trustees thereof, to issue and sell bonds of said county, and to secure said bonds by mortgage.

For the relief of C. A. Bradford of Mobile ;

Were severally read three times, under a suspension of the constitutional rule, and passed.

The Senate bills—

For the relief of James R. Barwick of Henry county, and Henry Hurt of Jefferson county, minors.

To prevent the selling of liquors within two miles of Lentzville church and school house, in Limestone county ;

Were severally read twice, under a suspension of the constitutional rule, and referred to the committee on local legislation.

The Senate bill—

To authorize the governor to raise money by loan or otherwise ;

Was read a first time.

Mr. Taylor of Lauderdale, moved the indefinite postponement of the bill ;

Which was lost, and the bill was ordered to a second reading.

#### CALL OF THE COUNTIES RESUMED.

The House resumed the call of the counties, whereupon the following bills were introduced :

By Mr. Grayson, of Madison—

To repeal subdivision 18, of section 112, of an act to establish revenue laws for the State of Alabama, approved December 31, 1868.

By Mr. Thompson—

For the relief of Mason Harwell and Edgar S. Lee, surviving partners of H. P. Lee & Co., of the county of Montgomery.

By Mr. Hodo—

To amend subdivision 7, of section 112, of an act to establish revenue laws for the State of Alabama.

Which were severally read twice under a suspension of the constitutional rule, and referred to the committee on ways and means.

By Mr. Lowe—

To remove the administration on the estate of George O. Ragland from Franklin county to Madison county.



By Mr. Toulmin—

To declare the effect of judicial proceedings in this State, during the late war.

Also,

To authorize married women to mortgage their separate statutory estate in certain cases.

Also,

For the relief of Catharine Norton.

By Mr. Knox—

To repeal an act to amend an act to establish criminal court for the county of Montgomery, with civil jurisdiction.

By Mr. Hodo—

To amend section 2882 of the Revised Code.

All of which were severally read twice under a suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Hewitt—

To repeal an act, to amend section 3100 of the Revised Code, so as to allow appeals to the supreme court, approved August 12, 1868.

Also,

To repeal an act to amend section 2351 of the Revised Code, approved March 12, 1870.

By Mr. Semmes—

To amend section 2960 of the Revised Code.

By Mr. Hodo—

To repeal section 2998 of the Revised Code.

All of which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the revision of the laws.

By Mr. Gunn—

To prevent the sale of spirituous liquors within two miles of Mulberry college, in Blount county.

Also,

To prevent gambling within two miles of Mulberry college, Blount county.

By Mr. Hamilton—

To repeal an act to consolidate the offices of tax collector and assessor in the county of Marion.

By Mr. King—

To authorize and empower John Quinn, of Muscogee county, Georgia, to administer upon the estate of James Torrey, in Russell county.

All of which were severally read twice, under a suspension

of the constitutional rule, and referred to the committee on local legislation.

By Mr. Lowe—

To regulate the right of challenge at elections in this State ;

Which was read twice under suspension of the constitutional rule.

Mr. Haralson moved to amend by striking out the word " challenge" wherever it occurs ;

Which, on motion of Mr. Hewitt, was laid on the table.

Mr. Haralson moved to lay the bill on the table ;

Which was lost ;

Yeas 19, nays 61.

Those who voted in the affirmative, are—

Messrs. dark, Craig, Curtis, Diggs, Dozier, Gaskin, Green, Haralson, Johnson of Dallas, King, Knox, McCaskey, Perrin, Speed, St. Clair, Thompson, Tyler, Wells and Williams—16.

Those who voted in the negative, are—

Messrs. Speaker, Appleton, Ashurst, Benson, Box, Boyd, Bradford, Bullock, Callaway, Clements, Cochran, Coleman, Cowan, Cook, Doster, Duskin, Gee, Graham, Grayson of Madison, Gunn, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lindsey, Lowe, Lumpkin, McCall, McDermott, Mancill, Marlowe, Miller, Moore, Oates, Payne, Raisler, Rice, Semmes, Sims, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, Steele, Taylor of Lauderdale, Taylor of Winston, Toomer, Toulmin, Ware, Weatherford and White—61.

The bill was referred to the committee on privileges and elections.

Mr. Gee moved that the House do now adjourn until tomorrow morning 10 o'clock ;

Which was put and lost.

By Mr. Semmes—

To repeal section 99 of an act to consolidate the several acts of incorporations of the city of Mobile, and alter and amend the same ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on corporations.

By Mr. Toulmin—

To give force and validity to the proceedings of the Mobile & Northwestern railroad company ;

Which was read twice, under a suspension of the constitu-

tional rule, and referred to the committee on internal improvements.

By Mr. Gunn—

A joint memorial to the congress of the United States, asking for the renewal of land grants made to the State of Alabama, to aid in the construction of the Elyton, Corinth and Tennessee river railroad ;

Which was read and referred to the committee on internal improvements.

On motion of Mr. Boyd—

The House adjourned until to-morrow morning 10 o'clock,

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## NINTH DAY.

TUESDAY, November 29, 1871.

The House met pursuant to adjournment.

## PRAYER.

Prayer by Mr. Appleton, of the House.

## READING OF THE JOURNAL.

The journal of yesterday was read and approved.

## CALL OF THE COUNTIES.

Upon the call of the counties, the following bills were introduced :

By Mr. Box—

To authorize the legal guardian of Julia R. Pearson, of St. Clair county, to sell at private sale and convey by deed to the present owners or purchasers, the real estate heretofore sold under an order of the probate court of said county by the executors of the last will and testament of Chas. M. Fearson, deceased.

By Mr. Bulger—

To exempt from administration property of decedents, and vest titles in the widow or children.

Also—

To repeal sections 2061 and 2062 of the Revised Code.

By Mr. Smith of Choctaw—

To amend sections 1282 and 1283 of the Revised Code.

By Mr. Marlowe—

To ratify a certain sale in Dallas county.

By Mr. Oates—

To allow defendants on their trial in criminal cases to make a statement to the jury under oath.

All of which were severally read twice, under suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Holmes of Sumter—

To amend an act contained in section (3688) thirty-six hundred and eighty-eight of the Revised Code, to protect children under twelve years of age from decoy or seizure.

By Mr. Smith of Sumter—

To prevent the probate judge of Sumter county from appointing their employees as guardian ad litem or special administrator.

By Mr. Black—

To amend section 4397 of the Revised Code.

By Mr. Hewitt—

To repeal an act to amend sections 4377 and 4390 of the Revised Code, approved October 10, 1868.

Also—

To amend sections 9 and 11 of an act to establish a criminal court for the county of Dallas, approved February 23, 1870.

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the revision of the laws.

By Mr. Ashurst—

To prevent the sale of liquors within two and one-half miles of Bradford Chapel church, in Macon county.

By Mr. Doster—

To authorize the court of county commissioners of Autauga county to borrow money, and issue bonds of the county for the same.

By Mr. Marlowe—

To prohibit the sale of spirituous liquors within one mile of Shady Grove Baptist church, in the county of Dallas, and Little Zion church, in the county of Lee.

By Mr. Henderson—

(With petition,) To repeal section 4 of an act to establish and incorporate a male and female academy at Rehoboth, in the county of Wilcox, approved February 9, 1852 ;

Which were severally read twice, under a suspension of

the constitutional rule, and referred to the committee on local legislation.

By Mr. Smith of Sumter—

To limit the commissioners court of Sumter county in their power to assess taxes.

By Mr. Leath—

For the relief of the sureties of Lafayette M. Stiff, late receiver of public moneys at the land office at Centre, Alabama.

By Mr. Moore—

For the relief of fruit distillers.

By Mr. Henderson—

For the relief of Mrs. Harriet C. Young, of Marengo county, from the payment of excessive taxes.

By Mr. Ellison—

To amend subdivision 4 of section 112 of an act to establish revenue laws for the State of Alabama ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means.

By Mr. Payne—

To amend section 1282 of the Revised Code ;

Also,

To amend section 1285 of the Revised Code ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Marlowe—

(With a petition,) To amend the charter of the gas light company of Selma, approved February 18, 1854.

By Mr. Hodo—

To incorporate the town of Carrollton, in the county of Pickens ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on corporations.

By Mr. Gunn—

To authorize the superintendent of public instruction to correct an error in school funds, due to Morgan county ;

Also,

To issue a patent to A. A. Hewlitt for 16th section, township 9, range 4, west, in Winston county ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on education.

By Mr. Hamilton—

Requiring justices of the peace of Marion county to act as apportioners and supervisors of public roads in their respective beats ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on roads and highways.

By Mr. Taylor of Lauderdale—

To incorporate the Tennessee and Coosa canal company ;

Which was read a first time and ordered to a second reading.

By Mr. Lowe—

For the payment of certain legal services rendered the State in the suits of the State versus the Alabama and Chattanooga railroad company ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Bradford moved to amend by striking out the word " twenty " in the first section, and inserting the Word " ten."

Mr. Boyd moved to lay the amendment on the table ;

Which was lost.

On motion of Mr. Rice, the consideration of the bill was made the special order for to-morrow at 12 o'clock, m.

By Mr. Oates—

A memorial from the citizens of West Florida in regard to annexation ;

Which was read and referred to a special committee of three on the part of each house of the general assembly.

By Mr. Strauss—

A resolution, (accompanied with memorial,) as follows :

Resolved by the House of Representatives. (the Senate concurring,) That a committee of seven, (four from the House and three from the Senate,) be appointed to investigate the charges set forth, in the different memorials, against Hon. John Elliott, judge of the 6th judicial circuit ; that the committee be empowered to send for persons and papers, and report by resolution or otherwise ;

Which was adopted.

Messrs. Strauss, Lewis, Doster and Lowe were appointed the committee on the part of the House.

The call of the counties being concluded, and

## REPORTS FROM STANDING COMMITTEES

being next in order—

Mr. Toulmin, from the judiciary committee, reported favorably to the resolution proposing that the two houses of the general assembly meet in convention in the hall of the house at 12 o'clock m, on Thursday, the 7th day of December next, for the purpose of electing, by joint ballot, solicitors for the several judicial circuits of the State.

Mr. Toulmin moved to postpone the further consideration of the resolution, and make it the special order for to-morrow at 12 o'clock m.;

Which was lost.

Mr. Taylor moved to recommit the resolution to the same committee, with instructions to report a bill creating the office of circuit solicitors, defining, their duties, and the pay they shall receive ;

Which was put and lost ;

And the resolution was adopted.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the

## SPECIAL ORDER,

it being the bill—

In relation to agricultural laborers.

It being on its second reading—

Mr. Box moved to amend section 1, by adding thereto the following words :

"And the landlord's lien for advances made to assist or aid in the cultivation of the land for the current year" ;

Which was adopted.

Also moved to amend by striking out section 5.

Mr. Rice moved to amend section 5, by striking out all after the word shall, in the 8th line of section 5, and inserting in lieu thereof the words :

"Create a lien in favor of such planter or farmer, to the extent of the value of the personal property of such person or persons so contracting."

Mr. Bradford moved to refer the bill and amendments to the judiciary committee.

Mr. Dustan moved to lay the motion of Mr. Bradford on the table ;

Which was lost.

Mr. Haralson moved to lay the bill on the table ;  
Which was carried.

#### GENERAL ORDERS.

The House proceeded to the consideration of the general orders:

The bill—

To raise from fire, marine and river insurance companies a fund for the benefit of fire companies ;

Was read a third time, and made a special order for 12½ o'clock to-morrow.

The bills—

To compensate the solicitor of Limestone county in certain cases ;

To regulate sales by sheriffs in this State ;

To authorize the commissioners court of Choctaw county to procure a map and field notes of the survey of land in said county ;

To supply the county of Choctaw with a tract book ;

To require the auditor to furnish the judge of probate of Choctaw county, a list of all lands for taxes since May 25, 1865, and purchased by the State ;

For the relief of Emma Clark, a minor ;

To incorporate the Bluff City Hook and Ladder Company of the city of Eufaula ;

To amend an act to reorganize and establish the municipal government of the city of Mobile, approved July 18, 1868 ;

To prohibit the unlawful injury of animals ;

To prohibit the sale of liquors in the town of Somerville, in Morgan county, and within three miles thereof ;

To prohibit the sale of liquors within one mile of Salem church in Cherokee county ;

To incorporate the town of Guntersville in Marshall county ;

All of which were severally read a third time and passed.

The bill to repeal an act to authorize the commissioners of revenue of Mobile county to elect the tax assessor for said county, and remove said assessor ;

Was read a third time and lost.

On motion of Mr. Hewitt the vote by which the bill was lost, was reconsidered, and the bill passed.

The bill to repeal an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb,



Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, approved March 3, 1870, so far as relates to the county of Dale,

Was read a third time.

On motion of Mr. Hewitt, the vote ordering the bill to a third reading was reconsidered, and the bill amended by inserting the counties of Jefferson, Shelby, Bibb and St. Clair ; and the bill was ordered to a third reading on to-morrow.

By leave—

Mr. Oates introduced a bill to authorize and require the mayor and council of the town of Union Springs to levy and collect a tax to pay the bonds issued by the corporate authorities of said town ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means.

Also, joint resolutions allowing the people of the State to vote for or against a convention of delegates to devise and amend the constitution of the State of Alabama ;

Which were read once and laid on the table, and 150 copies ordered to be printed.

Message from the Governor, by his private secretary, Mr. Chardavoyne :

Mr. Speaker :

I am directed by His Excellency the Governor to inform you that he has approved the following bills, originating in the House of Representatives :

To amend an act to restrain the powers of the commissioners court of Coffee county.

To prohibit the sale of spirituous liquors within two miles of Summit, Blount county.

To prohibit the sale of liquors within two miles of Mount Sterling, in Choctaw county.

To authorize the commissioners court of Shelby county to levy a special tax, from year to year, to pay off the indebtedness of said county.

To repeal an act to regulate the liability of persons to work on public roads in the county of Benton, approved December 6, 1849.

On motion of Mr. Haralson, the House then adjourned until to-morrow morning 10 o'clock.

## TENTH DAY.

WEDNESDAY, November 29, 1871.

House met pursuant to adjournment.

## PRAYER.

Prayer by Rev. Mr. Gwinn.

## READING OF THE JOURNAL.

Journal of yesterday was read and approved.

## CALL OF THE COUNTIES.

Upon the call of the counties, the following bills were introduced :

By Mr. Lewis—

A bill to repeal chapter 7 of title 2 of part 4 of the Revised Code.

By Mr. Smith of Sumter—

A bill to allow tax collectors further time to collect taxes due the State and several counties.

By Mr. Clements—

A bill to collect the fines and forfeitures in each county in cash.

Also, a bill to require the claims against the fine and forfeiture fund to be registered by the county treasurer.

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Lewis—

A bill to amend section 2678 of the Revised Code.

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on the revision of the laws.

By Mr. Box—

A bill to prohibit the sale of liquors within one mile of Antioch Baptist church, in St. Clair county.

By Mr. Hitchcock—

A bill (accompanied with a petition) and an adverse petition presented by Mr. Bradford.

To prohibit the sale of liquors within three and a half miles of Syllacauga, in Talladega county.

Which were severally read twice, under suspension of the

constitutional rule, and referred to the committee on local legislation.

By Mr. Clements—

To relieve and regulate the finances of the State.

Which was read twice under a suspension of the constitutional rule, and referred to the committee on ways and means.

Also,

To establish a college for the benefit of agriculture and mechanic arts as a branch of the University of Alabama, pursuant to an act of Congress on that subject, approved July 2, 1862 ;

Which was read a first time and ordered to a second reading.

Message from the Senate by Mr. Whiting :

SENATE CHAMBER,  
November 29, 1871.}

Mr. Speaker :

The Senate has passed House bills as follows :

To repeal an act to authorize the court of county commissioners of the county of Chambers, to borrow money and provide the means of repaying the same, approved December 7, 1866.

To authorize the probate court of Bullock county to take Jurisdiction of the administration of the estate of Marion O. Baldwin, deceased, late of Montgomery county.

To supply the probate judge of Choctaw county with books and documents.

To repeal an act to give the commissioners court of the county of Chambers full and complete control over the funds of said county.

To declare the town of Jacksonville, duly and legally incorporated, and to confer additional powers upon the corporate authorities in issuing bonds to supply the town with water ; establishing fire limits, and aiding in opening and keeping up roads outside of its limits.

The Senate has amended as therein shown, and passed the House bill—

To amend section 6 of an act, to incorporate the Baptist female institute at Moulton.

The Senate has originated and passed bills as follows :

To amend an act to repeal and amend an act entitled an act

to amend and repeal subdivision 10 of section 750 of the Revised Code.

To authorize B. H. Micou, administrator of the estate of Eben Kirk, deceased, late of Montgomery county, to dispose of real and personal property, belonging to said decedent, at private sale.

M. P. BLUE,  
Secretary.

The call of the counties being concluded, reports from committees were next in order.

#### LOCAL LEGISLATION.

Mr. Moore, from the committee on local legislation, reported favorably to the bill—

To authorize and empower judges of probate to procure copies of field notes, with an amendment as follows :

“Strike out judges of probate of the several counties,” and insert judge of probate of Tuscaloosa county”;

Which was adopted,

And the bill was read a third time and passed.

Also, from the same committee, favorably to the following bills :

To repeal an act to consolidate the offices of tax collector and tax assessor of the county of Marion.

To prevent gambling within two miles of Mulberry college, in Blount county.

Which were severally read a third time and passed.

Also, from same committee, reported favorably to the bill,

To prevent the sale of spirituous liquors within two miles of Mulberry college in Blount county.

On motion of Mr. Toomer,

The bill was recommitted to the same committee, with instructions to report a bill embracing all the localities asking for the prohibition.

On motion of Mr. Semmes,

The title to the bill passed yesterday, entitled an act to amend an act to reorganize and establish the municipal government of the city of Mobile, approved July 18, 1868, was amended, so as to read as follows :

To repeal section 3 of an act, to establish the municipal government of the city of Mobile, approved July 18, 1868.

Mr. Moore, from committee on local legislation, reported favorably to the bill—

To empower Mrs. Caroline Durrah, of Cleburne county, to sell certain lands therein named ;

Which was read a third time forthwith, under a suspension of the constitutional rule, and passed.

Also, favorably to the bills—

To authorize Wm. H. Wood, administrator of the estate of Richard H. Wood, deceased, to sell the land belonging to said estate at private sale.

To repeal an act to facilitate the collection of municipal taxes and dues in the city of Mobile ;

Which were severally ordered to be engrossed for a third reading.

Mr. Moore, from the same committee, reported favorably to the following bills :

To prevent the destruction, of certain game in Mobile county.

To authorize and empower A. W. Jones, probate judge of Conecuh county, to exercise jurisdiction over the estate of Jephtha V. Perryman, deceased.

For the relief of Willie Rayford, of Marengo county.

To authorize Mrs. Melissa Howle, widow of Thomas T. Howle, deceased, to sell certain lands, and make titles to the same.

To provide for the collection and distribution of fines and forfeitures in the counties of Clay and Coosa.

To decrease the pay of the commissioners court of Chambers county.

To authorize James O. Adkins of Butler county, to erect grates across the public road leading from Greenville to Cahaba.

To amend an act to enable the commissioners of St. Clair, Walker and Choctaw counties to erect bridges, and to have public buildings repaired, and to make said claims preferred claims against said county, approved February 7, 1870.

Which were severally read a third time, under a suspension of the constitutional rule, and passed.

Also, from same committee, favorably to the bill—

To remove the guardianship of Bird and James Fitzpatrick to Bullock county ;

With an amendment to strike out " Bullock " and insert " Pike ;"

Which was adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

## FEES AND SALARIES.

Mr. Box, from the committee on fees and salaries, reported favorably to the bill—

To repeal an act to increase the fees of public officers of Mobile county ;

Which was ordered to a third reading,

## PUBLIC, ROADS AND HIGHWAYS.

Mr. Payne, from the committee on public roads and highways, reported favorably to the bill—

Requiring the justices of the peace of Chambers county to act as apportioners and supervisors of public roads in their respective beats ;

With an amendment as follows: Add to section six the words " That said amount allowed justices of the peace be deducted from the salaries allowed the probate judge of said county for such services ;

Which was adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

Also, from same committee, adversely to the following bills;

To declare all roads over which the United States mail is carried to be public roads, and compel commissioners courts to have the same worked as public roads.

To confer power on the court of county commissioners of Calhoun county to open and keep-up the public roads crossing Blue Mountain, in said county.

Which were severally concurred in.

## WAYS AND MEANS.

Mr. Gates, from the committee on ways and means, reported adversely to the following bills :

To restrain the commissioners court of Crenshaw county from levying a tax for county purposes of more than fifty per cent. on the present State tax.

For the relief of W. P. Bruce.

To exempt certain property from taxation.

To abolish the office of tax collector of Franklin county.

To amend section 80 of an act to establish revenue laws for the State of Alabama.

To secure a more thorough assessment of the real property in the State.

Which reports were severally concurred in.

Also, from same committee, favorably to the bill—

To authorize the redemption of lands sold for taxes and purchased by the State ;

With the following amendment to section two :

Provided, that nothing in this act shall in any wise impair the rights or titles of any person who may have lawfully acquired any lands of the State purchased at tax sales ;

Which was adopted, and the bill was read a third time, under a suspension of the constitutional rule, and passed.

Also, from same committee, reported a substitute for the bill—

To amend an act for the relief of delinquent tax payers, approved January 26, 1871.

The substitute was adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

Also, from same committee, to which was referred the resolution instructing committee on ways and means to report a bill to establish revenue laws for the State of Alabama, reported a bill—

To establish revenue laws for the State of Alabama ;

Which was read twice, under a suspension of the constitutional rule, and made the special order for Monday 12 o'clock, and 150 copies ordered to be printed.

#### SPECIAL ORDER.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the special order, it being the bill—

For the payment of certain legal services rendered the State in the suits of the State against the Alabama & Chattanooga railroad company ;

The question pending the amendment of Mr. Bradford to strike out " twenty" and insert " ten."

Mr. Box moved to amend the amendment by striking out " ten" and inserting " five."

Mr. Lowe moved the previous question ;

And the question being, " Shall the main question be now put ? " was put and carried ;

And the bill was ordered to a third reading.

#### LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Lumpkin and Mr. Ware for two days, and Mr. Bulger for three days.

## SPECIAL ORDER.

The hour of half-past twelve o'clock having arrived, the house proceeded to the consideration of the special order set for that hour, it being the bill—

To raise, from fire, marine, or river insurance companies, a fund for the benefit of fire companies.

The question being upon the passage of the bill,

Mr. Lewis moved to amend the first section by adding thereto the following proviso, by way of engrossed rider :

Provided, That the terms of this act shall not apply to fire insurance companies organized in the State of Alabama, nor to foreign fire insurance companies, when one hundred thousand dollars of capital stock in said companies invested within the State, and owned by citizens thereof.

Mr. Dustan moved the previous question ;

And the question being. " Shall the main question be now put?" was put and lost.

Mr. Dustan raised the point of order that, the amendment offered by Mr. Lewis by way of engrossed ryder was not in order ;

Pending the decision of which by Mr. Speaker—

On motion of Mr. Speake,

The House adjourned until Friday m-morning 10 o'clock.

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 ELEVENTH DAY.

FRIDAY, December 1, 1871.

The House met pursuant to adjournment.

In the absence of Mr. Speaker, Mr. Hewitt was called to the chair.

## PRAYER.

Prayer by Rev. Mr. Murrah.

## READING OF THE JOURNAL.

The journal of Wednesday was read and approved



## CALL OF THE COUNTIES.

Upon the call of the counties the following bills were introduced :

By Mr. Holmes of Baldwin—

To fix the time of holding the circuit court of Baldwin county.

By Mr. Smitherman—

To provide an additional term of the chancery court for the eighth district of the middle chancery division, composed of the county of Bibb.

By Mr. Crook—

To provide for the registration of deeds of conveyance in certain cases.

By Mr. Grayson of Clark—

To legalize the conveyance by H. C. & W. W. Doffin, minors, of their interest in certain lots of land.

By Mr. Johnson of Dallas—

To provide for the payment of witnesses in State cases.

By Mr. Oates—

For the relief of the resident physicians of the State of Alabama.

By Mr. Haralson—

To regulate the buying of lottery tickets in this State.

Also,

Creating an additional voting precinct in the county of Dallas.

Also,

To prohibit fortune telling in this State.

By Mr. Taylor of Lauderdale—

To provide for holding the circuit court in the absence of the circuit judge ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee, on the judiciary.

By Mr. Holmes of Baldwin—

To authorize the commissioners court to levy a tax for the year 1871.

By Mr. Grayson of Clark—

To repeal an act fixing the compensation of the treasurer of dark county, approved February 14, 1870.

By Mr. Appleton—

For the relief of Hannah T. Newman of DeKalb county.

By Mr. Weatherford—

To prohibit the sale of liquors within ,three miles of Pleasant Site church, in Franklin county.

By Mr. Cowan—

To authorize the commissioners court of Jackson county to levy a special tax, from year to year, to pay off the indebtedness of said county ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. Haralson—

Regulating the competency of grand and petit jurors in the county of Dallas ;

Which was read twice, under a suspension of the constitutional rule, and laid on the table,

By Mr. Hewitt—

To confer additional powers upon the mayor and council of the town of Elyton.

By Mr. White—

To incorporate the town of Ashland, in Clay county ;

Which were read twice under a suspension of the constitutional rule, and referred to the committee on corporations.

By Mr. Howell—

To restrict the amount which may be allowed the county officers of Cleburne county ;

Which was read twice under a suspension of the constitutional rule, and referred to the committee on fees and salaries.

By Mr. Weatherford—

For the relief of purchasers of 16th section land in the State of Alabama ;

Which was read twice, under suspension of the constitutional rule, and referred to the committee on education.

By Mr. Steele—

To apportion representation to Colbert county ;

Which were severally read twice, under suspension of the constitutional rule, and referred to the committee on privileges and elections.

By Mr. Hurt—

To repeal an act to amend an act to establish revenue laws for the State of Alabama, approved February 9, 1870.

By Mr. Duskin—

To amend section 3734 of the Revised Code.

By Mr. Cowan—

To repeal sections 1401, 1402, 1406, 1407, 1408 and 1409 of the Revised Code.

By Mr. Hewitt—

To fix the salaries of certain officers therein named.

Also,

To amend section 4340 of the Revised Code ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on revision of laws.

By Mr. Smith of Greene—

Requiring the tax assessors of this State to give tax payers upon assessment of taxes a duplicate copy of the articles so assessed.

By Mr. Bullock—

Requiring tax collectors to give tax payers, upon the payment of taxes by them, a receipt, showing the articles listed by tax assessors.

By Mr. Duskin—

To relieve the Alabama Central railroad company from penalties incurred by the Selma and Meridian railroad company.

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means.

By Mr. Hewitt—

In relation to the public printing ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on public printing-

By Mr. Weatherford—

To make Mrs. Mecca C. Chandler of Lauderdale county a free-dealer ;

Which was read twice, under suspension of the constitutional rule.

Mr. Appleton moved to amend by inserting the name of Mrs. Elizabeth Newman of DeKalb county ;

Which was lost, and the bill was laid on the table.

By Mr. Hewitt—

To regulate and fix the per diem and mileage of the members of the general assembly ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Bullock moved to amend, by striking out the words "four dollars."

The bill was laid on the table—Yeas 62, nays 17.

Those who voted in the affirmative are—

Messrs. Alley, Ashurst, Boyd, Bradford, Bullock, Carmichael, Clark, Coleman, Curtis, Davis, Diggs, Dozier, Drake,

Dustan, Ellison, Gee, Graham, Grayson of Clark, Grayson of Madison, Haralson, Henderson, Henry, Hitchcock, Hodo, Holmes of Sumter, Johnson of Dallas, Kennedy, King, Lewis, Lindsay, Lowe, McCaskey, McDermott, Marlowe, Miller, Moore, Perrin, Powell, Raisler, Rice, Semmes, Sims, Smith of Greene, Smith of Sumter, Smitherman, Steele, Strauss, Taylor of Winston, Toomer, Weatherford, Wells, Williams—52.

Those who voted in the negative are—

Messrs. Appleton, Benson, Box, Carlin, Clements, Craig, Crook, Hewitt, Howell, Hurt, Johnson of Coosa, Leath, Ninger, Taylor of Lauderdale, Thompson, Toulmin and White—17.

By Mr. Hewitt—

Joint resolutions proposing certain amendments to the constitution ;

Which were read a first time and ordered to a second reading, and that 150 copies be printed for the use of the two houses of the general assembly.

By Mr. Oates—

For the relief of J. B. Johns of Montgomery ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on accounts and claims.

By Mr. Lewis—

To compensate L. F. Elliott, late jailor of Shelby county, for feeding certain prisoners ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on local legislation.

By leave—

Mr. Moore offered the following resolution :

Resolved by the House of Representatives, (the Senate concurring,) That the governor be requested to extend to His Excellency, the Duke Alexis of Russia, now on a visit to the United States, a cordial and friendly invitation to visit the State of Alabama, in order to become acquainted with the condition of our State and people, and our vast resources, our peaceable disposition, and the grandeur of the whole United States, by a personal excursion throughout the whole breadth of the country.

Mr Boyd moved to lay the resolution on the table ;

Which was lost, and the resolution was not adopted.

By leave—

Mr. Bullock offered the following resolution, which was adopted :

Resolved, That the committee on ways and means be directed to inquire into the expediency of authorizing the governor to negotiate a loan, or to sell bonds of the State, for

the purpose of raising two hundred thousand dollars, or such other sum as may be necessary to meet the outstanding warrants upon the treasury, and report as early as practicable, by bill or otherwise.

Mr. Powell—

From the committee on enrolled bills, reported the following correctly enrolled:

To declare the town of Jacksonville, in the county of Calhoun, to be duly and legally incorporated, and to confer additional powers upon the corporate authorities in issuing bonds to supply the town with water, establishing fire limits, and aiding in opening and keeping up roads outside of its limits.

To repeal an act to authorize the court of county commissioners of the county of Chambers, to borrow money ; and to provide the means of paying the same, approved December 7, 1866.

To authorize the probate court of Bullock county, to take jurisdiction of the estate of Marion A. Baldwin, deceased, late of Montgomery county.

To supply the probate judge of Choctaw county with books and documents.

To repeal an act to give the commissioners court of the county of Chambers full and complete control over the funds of said county.

#### LOCAL LEGISLATION.

Mr. Moore, from the committee on local legislation, reported favorably to the bill—

To remove the administration of the estate of James W. Powers, deceased, from the county of Wilcox to the county of Butler.

The bill was ordered to a third reading.

#### GENERAL ORDERS.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the general orders.

The bills—

To incorporate the town of Somerville, in Morgan county.

To amend section 4, of an act to incorporate the town of Pickensville.

To incorporate the town of Cherokee, in Colbert county ;

Were severally read the third time, and passed.

The bill—

For the payment of certain legal services rendered the State in suit of the State vs. The Alabama and Chattanooga railroad company :

Was read a third time and lost.

Yeas 27, nays 55.

Those who voted in the affirmative are :

Messrs. Black, Bullock, Clements, Coleman, Craig, Grayson of Clarke, Gunn, Hewitt, Hodo, King, Knox, Lewis, Lindsay, Lowe, McDermott, Oates, Rice, Semmes, Smith of Greene, Smith of Sumter, Speed, Strauss, Toomer, Toulmin, Williams and Wyman—27.

Those who voted in the negative are :

Messrs. Appleton, Benson, Box, Bradford, Carlin, Carmichael, Clark, Cowan, Crook, Curtis, Davis, Diggs, Doster, Dozier, Drake, Duskin, Dustan, Ellison, Gaskin, Gee, Graham, Grayson of Madison, Greene, Hamilton, Henderson, Henry, Hitchcock, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, Kennedy, Leath, McCall, McCaskey, Marlowe, Miller, Moore, Nininger, Payne, Perrin, Powell, Raisler, Sims, Smitherman, Speake, Steele, Taylor of Lauderdale, Taylor of Winston, Thompson, Weatherford, Wells and White—55.

#### SPECIAL ORDER.

The hour of half-past twelve having arrived, the House proceeded to the consideration of the special order, it being

The bill—

To raise from fire, marine, or river insurance companies, a fund for the benefit of fire companies

Mr. Speaker, (Mr. Hewitt in the Chair,) decided the amendment by way of engrossed ryder offered by Mr. Lewis, to be out of order.

The question being on the passage of the bill, was put and lost.

Yeas 13, nays 67.

Those who voted in the affirmative are :

Messrs. Ashurst, Coleman, Cowan, Craig, Diggs, Dustan, Hurt, Lowe, McCall, Perrin, Powell, Rice and Williams—13.

Those who voted in the negative, are—

Messrs. Alley, Appleton, Benson, Black, Box, Bradford, Bullock, Carlin, Clark, Clements, Cochran, Curtis, Davis, Doster, Dozier, Drake, Gaskin, Gee, Graham, Grayson of Clarke, Grayson of Madison, Greene, Gunn, Hamilton, Haralson,

Henderson, Henry, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Howell, Johnson of Coosa, Johnson of Dallas, Kennedy, King, Knox, Lewis, Lindsey, McCaskey, McDermott, Marlowe, Miller, Moore, Ninninger, Oates, Payne, Raisler, Semmes, Sims, Smith of Greens, Smith of Sumter, Smitherman, Speake, St. Clair, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Thompson, Toomer, Toulmin, Weatherford, Wells, White and Wyman—67.

#### LEAVE OF ABSENCE.

Leave of absence was granted Messrs. Toulmin, Murrah, Lewis and Lindsay.

On motion of Mr. Moore,

House adjourned until 10 o'clock to-morrow morning.

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#### TWELFTH DAY.

SATURDAY, December 2, 1871.

House met pursuant to adjournment.

Prayer by Rev. Mr. Gwin.

The journal of yesterday was read and approved.

Upon the call of the counties, the following bills were introduced :

By Mr. Henry—

To change the county boundaries of Barbour and Russell ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on county boundaries.

By Mr. King—

To incorporate the town of Girard in Russell county ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on corporations.

By Mr. Bradford—

To amend the charter of the city of Talladega, and to confer additional powers on the mayor and aldermen of said city ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on corporations.

By Mr. Henderson—

To establish an uniform court of record for the county of Wilcox, with criminal and civil jurisdiction ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

The call of the counties being concluded, reports from committees were next in order.

## REVISION OF THE LAWS

Mr. Bradford, from the committee on the revision of the laws, reportad a substitute for the bill—

Providing a more convenient mode of suing railroad companies and their lessees ;

Which was adopted, and the bill read a third time and passed.

Also, favorably to the bill—

To declare and prescribe the duties of county solicitors ;

With an amendment, by additional sections, as sections two and three ;

Which was adopted.

Mr. Knox moved to amend section three by inserting after the word " circuit " the words " and city ;"

Which was adopted, and the bill read a third time and passed.

Also, from the same committee, favorably to the bill—

To amend an act for the relief of laborers and employees ;

With an amendment as follows: Strike out the word " forty" in the twelfth line, and insert in lieu thereof the words " twenty-five."

The amendment was adopted, and the bill ordered to a third reading.

Also, from same committee, favorably to the following bills;

To prevent the selling, giving, or delivering fermented, vinous, or spirituous liquors, to any person who is or is reputed to be of unsound mind.

To repeal sections 2534, 2535 and 2536 of the Revised Code.

To amend section 3306 of the Revised Code.

To amend section 2377 of the Revised Code.

To secure justices of the peace and notaries public in their fees in certain cases.

Which were severally read a third time, under a suspension of the constitutional rule, and passed.



Also, from same committee, adversely to the following bills—

To amend section 2136 of the Revised Code.

To regulate and contest claims on insolvent estates.

To facilitate the investigation of crimes and misdemeanors by grand juries.

To require the clerk of the circuit court of Limestone county to fix certain days on his criminal docket for the trial of criminal cases.

To amend and repeal section 3326 of the Revised Code.

To amend and repeal subdivision five of section 2061 of the Revised Code.

To amend subdivision four of section 144 of the Revised Code.

To amend section 2340 of the Revised Code.

All of which were severally concurred in.

Also, from same committee, adversely to the bill—

To give additional powers to judges of probate.

The consideration of the report was made the special order for Tuesday next 12 o'clock, m.

Message from the Senate by Mr. Whiting :

SENATE CHAMBER,  
December 8, 1871. }

Mr. Speaker :

The Senate has passed House bills as follows:

To authorize the commissioners court of Choctaw county to procure a map and field notes of the survey of all lands in said county.

The Senate has originated and passed a bill—

For the relief of Nellie Croney, of Colbert county.

M P. BLUE,  
Secretary.

#### PUBLIC ROADS AND HIGHWAYS.

Mr. Payne, from the committee on public roads and highways, reported favorably to the bill—

Requiring justices of the peace of Marion county to act as apportioners and supervisors of public roads ;

Which was read a third time, under a suspension of the constitutional rule, and passed.

## INTERNAL IMPROVEMENTS.

Mr. Lowe, from the committee on internal improvements, reported favorably to the bill—

To repeal an act to authorize the several counties, cities and towns in the State of Alabama to subscribe to the capital stock of such railroads throughout the State as they may consider most conducive to their respective interests ;

With an amendment as follows :

Provided, That the counties of Dale Henry, Coffee, Madison, Etowah, Marshall, Morgan and Walker, and the cities of Huntsville and Eufaula shall be exempt from the provisions, of this act ;

Which was adopted.

Mr. Carlin moved to amend by inserting in the proviso " the county of Marengo and the town of Demopolis ;"

Which was lost, and the bill was ordered to a third reading.

Also, from same committee, reported favorably to the bill—

To allow John J. Delchamps, of the county of Mobile, to cut a canal and collect toll thereon ;

Which was read a third time, under suspension of the constitutional rule, and passed.

Also, from same committee, favorably to the bill—

To prevent railroad companies in this State from discriminating between local and through freights.

Mr. Perrin moved to amend by inserting " steamboats" after the words "railroad companies."

Mr. Bullock moved to lay the amendment on the table ;

Which was lost, and the amendment was lost.

Mr. Dustan moved to amend by proviso as follows :

Provided, The provisions of this act shall not apply to railroad companies which have received indorsement of their bonds, or other aid from the State.

Mr. Boyd moved the previous question ;

And the question being, " Shall the main question be now put ?" was put and carried ;

And the bill was ordered to a third reading.

Also, from same committee, reported favorably to the

Joint memorial to the congress of the United States, asking for the renewal of land grants made to the State of Alabama, to aid in the construction of the Elyton, Corinth and Tennessee river railroad ;

The memorial was adopted.

Also, from same committee, reported favorably to the bill—

To authorize and require the Governor to date the indorsement upon certain railroad bonds therein named.

The consideration of the report was made the special order for Monday next, at 12 o'clock, m.

Also, from the same committee, reported adversely to the bill—

To amend section 1282 of the Revised Code.

The report was not concurred in, and the bill ordered to a third reading.

Also, from the same committee, reported favorably to the following bills :

To amend section 1402 of the Revised Code.

To regulate office hours for the sale of tickets to the traveling public on railroads in this State.

To give force and validity to the proceedings of the Mobile and Northwestern railroad company.

To amend section 1285 of the Revised Code ;

Which were severally ordered to a third reading.

Mr. Steele—

From the committee on counties and county boundaries, reported favorably to the following bills :

To make James H. Crowder a citizen of Pike county, by changing the boundary line between Pike and Bullock counties.

To declare Thorington Perkins and Stephen Abercrombie, liners between the counties of Perry and Bibb, citizens of Bibb county, and to change the line between said counties.

To change the line between the counties of Calhoun and Etowah ;

Which were severally ordered to a third reading.

Mr. Haralson, by leave—

Offered the following resolution ;

Resolved by the House of Representatives, (the Senate concurring,) That the keeper of the capitol is hereby authorized and required to procure without delay the national flag, and hoist the same on the capitol during the present session of general assembly.

On motion of Mr. Boyd, the resolution was referred to a special committee of five, as follows : Messrs. Boyd, Moore, Crook, Hodo and Haralson.

Mr. Boyd—

From the committee on agriculture and commerce, reported adversely to the bill—

To repeal an act to establish public pounds in the county of Montgomery, approved March 3, 1870.

Mr. Williams moved to recommit the bill ;

Which was lost.

Mr. Thompson moved to recommit the bill to a special committee, composed of the members from Montgomery county.

On motion of Mr. Smith of Greene—

The motion to recommit was laid on the table—Yeas 36, nays 27.

Those who voted in the affirmative are—

Messrs. Boyd, Bullock, Carmichael, Coleman, Cowan, Cowan, Crook, Davis, Ellison, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, McDermott, Miller, Payne, Powell, Rice, Semmes, Smith of Greene, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Weatherford and White—36.

Those who voted in the negative are—

Messrs. Alley, Ashurst, Black, Carlin, Clark, Cochran, Curtis, Diggs, Dozier, Drake, Dustan, Gaskin, Green, Haralson, Johnson of Dallas, King, Knox, McCall, McCaskey, Marlowe, Nininger, Perrin, Taylor of Winston, Thompson, Tyler, Wells and Williams—27.

The further consideration of the report was postponed and made the special order for Monday next at 12, m.

On motion of Mr. Bullock—

The vote on the passage and the vote ordering to a third reading, the bill—

To define and prescribe the duties of county solicitors ;

Were reconsidered.

Mr. Bullock moved to reconsider the vote adopting the amendment offered by Mr. Knox, as follows :

"Strike out the words" and city, " after the word "circuit," in the 3d section ;"

Which was carried.

Mr. Bradford moved to lay the amendment on the table ;

Which was carried.

On motion of Mr. Knox, the bill was recommitted to the committee on the revision of the laws.

On motion of Mr. Doster—

Reports from committees were suspended for the purpose of considering the Senate bill—

To authorize B. H. Micou, administrator of the estate of Eben Kirk, deceased, late of Montgomery county, to dispose of real and personal property belonging to said decedent, at private sale.

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

By leave, Mr. Lowe introduced a bill—

For the benefit of the fire companies of the cities of Huntsville and Demopolis ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means.

By leave, Mr. Hewitt introduced a bill—

To authorize a suit against the State in a certain case ;

Which was read twice, under a suspension of the constitutional rule, and laid on the table.

Yeas 52, nays 19.

Those who voted in the affirmative, are—

Messrs. Speaker, Alley, Appleton, Ashurst, Black, Boyd, Bradford, Carlin, Carmichael, Clark, Cowan, Crook, Curtis, Davis, Diggs, Doster, Dozier, Drake, Duskin, Ellison, Graham, Gunn, Green, Hamilton, Haralson, Henry, Hitchcock, Howell, Hurt, Johnson of Dallas, Kennedy, King, Leath, McDermott, Marlone, Miller, Moore, Nininger, Perrin, Powell, Raisler, Semmes, Smitherman, Speake, Strauss, Steele, Taylor of Lauderdale, Taylor of Winston, Tyler, Weatherford, White and Wyman—52.

Those who voted in the negative are :

Messrs. Bullock, Cochran, Coleman, Dustan, Grayson of Clark, Grayson of Madison, Greene, Hewitt, Hodo, Holmes of Sumter, Knox, Lowe, Payne, Rice, Smith of Greene, St. Clair, Thompson, Wells and Williams—19.

#### LEAVE OF ABSENCE.

Leave of absence was granted Messrs. Holmes of Baldwin, Gee, Craig and Speed.

On motion of Mr. Haralson—

The House adjourned until Monday morning 10 o'clock.

## THIRTEENTH DAY.

MONDAY, December 4, 1871.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Kenzie.

The journal of yesterday was read and approved.

## CALL OF THE COUNTIES.

Upon the call of the counties, the following bills were introduced :

By Mr. Clark—

To repeal section 2 of an act to incorporate the Palmyra Female Academy, in Barbour county, approved January 11, 1860.

By Mr. Duskin—

To incorporate the town of Dayton, in Marengo county ;  
Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on corporations.

By Mr. Haralson—

To provide for the payment of juries of inquest summoned by coroners ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on fees and salaries.

By Mr. Haralson—

For the relief of John S. Corbin, late judge of the city court of Selma ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on accounts and claims.

By Mr. Bullock—

To repeal sub-division 1 and 4 of section 957 of the Revised Code ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on education.

By Mr. Powell—

To repeal section 96 of an act to regulate elections in this State, approved October 8, 1868 ;

Which was read twice, under a suspension of the consti-

tutional rule, and referred to the committee on privileges and elections.

By Mr. Gunn—

To authorize sheriffs to serve processes from notaries public.

Also,

To authorize the holding of a special term of the chancery court for the county of Morgan.

By Mr. Strauss—

To amend 3515 of the Revised Code.

By Mr. Gilchrist—

To amend section 2660 of the Revised Code.

By Mr. Coleman—

To amend section 3706 of the Revised Code.

By Mr. King—

To amend first paragraph of section 3101 of the Revised Code.

By Mr. Coleman—

To repeal in part section 4438 of the Revised Code.

By Mr. Cowan—

To amend section 2934 of the Revised Code ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the revision of the laws.

By Mr. Haralson—

To amend section 718 of the Revised Code.

By Mr. Coleman—

To repeal an act to enable certain officers to collect their fees, approved February 7, 1871, so far as it effects the county of Washington.

By Mr. White—

To prescribe the time of holding the circuit court in the tenth judicial circuit ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Murrah—

For the relief of Ann Eliza Shelton, of Montgomery county.

By Mr. Hamilton—

To prevent camp hunting in the county of Marion.

By Mr. Henry—

To remove the administration of the estate of James Yordy, deceased, from the probate court of Barbour county into the probate court of Russell county ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. Powell—

To change the boundary lines of the counties of Butler and Crenshaw.

Also,

To change the county boundaries between the counties of Butler and Lowndes ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on counties and county boundaries.

By Mr. Moore—

For delinquent tax payers anterior to 1871.

By Mr. Hodo—

To authorize the court of county commissioners of Pickens county to issue bonds for county purposes ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on Ways and means.

By Mr. Powell—

To amend section 9 of an act for the protection of plantations and lands against depredations of stock in Lowndes county, approved December 31, 1868 ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on agriculture.

By Mr. Moore—

To appropriate ten thousand dollars to Mrs. James H. Clanton for services rendered the State by James H. Clanton, deceased, in the matter of the Alabama and Chattanooga railroad.

By Mr. Powell—

To authorize the governor to draw his warrant on the treasurer for the sum of ten thousand dollars, for the use and benefit of the widow and children of Gen. James H. Clanton, deceased, for services rendered the State ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on finance.

By Mr. Moore—

To provide for locating the agricultural and mechanical college ;

Which was read twice under suspension of the constitutional rule.



Mr. Dustan moved to amend by striking out " Elyton," and inserting, " within two miles of the geographical centre of the State."

Mr. Boyd moved to amend the amendment by proviso, as follows :

"Provided, the geographical centre is found to be at or near Florence."

Mr. Hewitt moved to lay the amendment and the amendment to the amendment on the table ;

Which was lost.

Mr. Boyd's amendment was lost.

On motion of Mr. Leath—

The amendment offered by Mr. Dustan was laid on the table.

Mr. Bullock moved to strike out "Elyton," and insert " within fifteen miles of the geographical centre."

On motion of Mr. Alley—

The bill and amendment were laid on the table.

By leave, Mr. Semmes offered the following preamble and resolutions :

Whereas, the Hon. L. C. Carlin, member of the House of Representatives from Marengo county, is no longer an elector of the county, in the State of Alabama, he having removed from said county and State many months since, and with intention to change his domicil ; therefore, be it

Resolved, That the Hon. L. C. Carlin be declared no longer a member of this House, and his seat be vacated.

The preamble and resolution were referred to the committee on privileges and elections.

Mr. Hewitt moved to take from the table the bill fixing the per diem and mileage of members of the general assembly ;

Which was lost.

Message from the Senate, by Mr. Whiting :

SENATE CHAMBER,  
December 4, 1871.}

Mr. Speaker :

The Senate has originated and passed bills as follows :

To regulate the publication of legal notices in the county of Lawrence.

To require the county treasurer of Tuscaloosa county to pay the fees now due the county solicitor for said county, in certain cases.

To incorporate the town of Birmingham, in the county of Jefferson.

To prevent the wanton destruction of fish in the county of Madison.

To protect game in Certain counties in this State.

M. P. BLUE,  
Secretary.

Mr. Boyd, from special committee, reported favorably to the bill—

For the relief of C. M. Mills and F. S. Breitling, administrators de bonis non, with the will annexed, of Gottlieb Breitling, deceased, late of Marengo county.

The bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Speaker laid before the House the annual report of the superintendent and commissioners of the deaf and dumb and blind institution ;

Which was referred to the committee on printings.

The House proceeded to the consideration of the

#### GENERAL ORDERS.

The bills—

To repeal an act to regulate the publication of legal and other notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, approved March 3, 1870, so far as it relates to the counties of Dale, Jefferson, Shelby, Bibb and St. Clair.

To authorize William H. Wood, administrator of the estate of Richard H. Wood, deceased, to sell the lands belonging to said estate at private sale.

To remove the administration of the estate of James W. Powers, deceased, from the county of Wilcox to the county of Butler.

To give force and validity to the proceedings of the Mobile and Northwestern railroad company.

To amend section 1285 of the Revised Code.

To regulate office hours for the sale of tickets to the traveling public on railroads in this State.

To amend an act for the relief of laborers and employees

To amend section 1282 of the Revised Code ;

Were severally read a third time and passed.

The bills—

To make James H. Crowder a citizen of Pike county, by changing the boundary line between Pike and Bullock counties.

To declare Thorington Perkins and Stephen Abercrombie, liners between the counties of Perry and Bibb, citizens of Bibb county, and to change the lines between said counties.

To change the lines between the counties of Calhoun and Etowah.

Were severally read a third time, and passed by a constitutional majority of two-thirds of the House, voting by yeas and nays. Mr. Gunn alone voting nay.

The bill to prevent railroad companies in this State from discriminating between local and through freights, was read a third time.

Mr. Perrin moved to lay the bill on the table, which was lost, and the bill passed.

The bill to repeal an act to facilitate the collection of municipal taxes and dues in the city of Mobile, was read a third time and made the special order for Monday the 11th inst., 12 o'clock, m.

The bill to repeal an act to increase the fees of public officers of Mobile county, was read a third time and made the special order for Monday next, 1 o'clock, P. M.

The bill to repeal an act to authorize the several counties, towns and cities in the State of Alabama to subscribe to the capital stock of such railroads throughout the State as they may consider most conducive to their respective interests, except as to certain counties and cities therein named, was read a third time.

Mr. Haralson moved to indefinitely postpone the consideration of the bill, which was lost, and the bill passed.

The House concurred in the amendment of the Senate to the bill to amend section 6 of an act to incorporate the Baptist Female Institute at Moulton.

#### SPECIAL ORDER.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the special orders for that hour.

The bill to authorize the Governor to date the endorsement upon certain railroad bonds therein named, being first in order, its further consideration was postponed and made the special order for to-morrow, 12 m.

The next in order being the bill to repeal an act to establish public pounds in the county of Montgomery, approved March 3, 1870.

The question pending being on concurring in the adverse report of the committee, the report was concurred in.

#### GENERAL ORDERS.

The House resumed the consideration of the general orders ;

The bill to incorporate the Tennessee & Coosa Canal Company, and to grant certain privileges therein named ;

Was read a second time, and referred to the committee on internal improvements.

The Senate bill to authorize the Governor to raise money by loan or otherwise ;

Was read a second time, and referred to the committee on ways and means.

The bill to amend section 1402 of the Revised Code,

Was read a third time, and lost.

The bill to establish a college for the benefit of agriculture and the mechanic arts, as a branch of the university of Alabama, pursuant to an act of congress on that subject, approved July 2, 1862 ;

Was read a second time, and referred to the committee on education.

The Senate bills to require the holders of the treasury notes issued by the commissioners court of Russell county, to present them for redemption ;

To prevent the wanton destruction of fish in Madison county ;

Were severally read twice, under a suspension of the constitutional rule, and referred to the committee on local legislation.

The Senate bill to enforce the better working of the public roads in Franklin county,

Was read twice, under a suspension of the constitutional rule, and referred to the committee on public roads and highways.

The Senate bill to protect game in certain counties of this State,

Was read twice, under a suspension of the constitutional rule, and,

On motion. of Mr. Leath, was laid on the table.

The Senate bill to incorporate the town of Birmingham, in Jefferson county,

Was read twice, under a suspension of the constitutional rule, and referred to the committee on corporations.

The Senate bills to require the county treasurer for Tuscaloosa county to pay the fees now due the county solicitor for said county in certain cases ;

To amend an act, to repeal and amend an act, to amend and repeal subdivision 10 of section 750 of the Revised Code ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

The Senate bill to regulate the publication of legal notices in the county of Lawrence ;

Was read three times, under a suspension of the constitutional rule, and passed.

By leave, Mr. Knox—

Introduced a bill for the benefit of the fire companies of the city of Montgomery ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means.

The House then adjourned until to-morrow morning, 10 o'clock,

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#### FOURTEENTH DAY.

TUESDAY, December 5, 1871.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Kinzie.

The journal of yesterday was read and approved.

By Mr. Grayson of Clarke—

A bill to fix the time of holding the chancery court for the first district of the western chancery division.

By Mr. Taylor of Lauderdale—

A bill to amend sections 4, 9 and 14 of an act in relation to the chancery courts in Alabama, approved August 12, 1868.

By Mr. Gilchrist—

A bill to establish an inferior court of record in the town of Courtland.

By Mr. Strauss—

A bill to amend section 1533 of the Revised Code ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Grayson of Clarke—

For the relief of Henry A. Woolf ;

By Mr. Carmichael—

A bill for the relief of Daniel Cumbie, administrator of Michael Deason, deceased.

By Mr. Benson—

A bill to authorize the commissioners court of Elmore county to borrow money and issue bonds for the same.

By Mr. Semmes—

To protect the owners of oyster beds in the tide waters of Alabama ;

Which were severally read twice under a suspension of the constitutional rule, and referred to the committee on local legislation.

Mr. Cowan moved to reconsider the vote by which the bill,

To amend section 1402 of the Revised Code, was lost on yesterday.

The motion was carried, and the question being on the passage of the bill ;

It was passed.

By Mr. Etheridge—

To regulate the publication of legal notices, sheriffs sales, tax sales, and official reports in Conecuh county ;

Which was read twice under a suspension of the constitutional rule.

The bill was amended, by inserting the counties of Washington, Lee, Montgomery, and Perry,

And was read a third time under suspension of the constitutional rule, and passed.

The title was amended, so as to include all the counties in the bill.

By Mr. Payne—

To regulate the pay of witnesses in the courts of this State.

By Mr. Knox—

To amend section 774 of the Revised Code.

Which were severally read twice, under a suspension of the

constitutional rule and referred to the committee on the revision of the laws.

By Mr. Johnson of Coosa—

To reduce and fix the per diem and mileage of members of the General Assembly ;

Which was read a first time and ordered to a second reading.

By Mr. Mancill—

To repeal sections 3931, 3935, 3936, 3937, 3938 and 3939, of the Revised Code, so far as they relate to the counties of Covington, Marengo, Marshall and Conecuh ;

Which was read three times under suspension of the constitutional rule, and passed.

By Mr. Callaway—

For the relief of Thomas A. Stokes, late tax collector of Crenshaw county ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on appropriations.

By Mr. Marlowe—

To change the boundary lines between the counties of Hale, Marengo and Perry.

By Mr. Hurt—

To repeal an act to change and establish the lines between the counties of Jackson and DeKalb, approved March 3d, 1870 ;

Which were severally read twice under a suspension of the constitutional rule, and referred to the committee on county boundaries.

By Mr. Taylor of Lauderdale—

For the relief of J. J. Hinds of Lauderdale county ;

Which was read twice under a suspension of the constitutional rule, and referred to the committee on accounts and claims.

By Mr. Gilchrist—

Presented the petition of O. A. Vanhook ;

Which was read and referred to the committee on education.

By Mr. Toomer—

To revive the charter of Salem, in Lee county ;

Which was read twice under a suspension of the constitutional rule and referred to the committee on corporations.

By Mr. Toomer—

To establish a college at Auburn, in Lee county, for the benefit of agriculture and the mechanic arts, pursuant to an

act of Congress of the United States on that subject, approved July 2d, 1862 ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Moore moved to refer the bill to a committee of one from each Congressional district, with instructions to take charge of the whole subject matter, and report by bill or otherwise.

Mr. Bradford moved to amend the motion, by striking out " Congressional district," and insert " judicial circuit";

By Mr. Bulger rose to a point of order.

Mr. Bulger moved to lay the motion to refer on the table ; Which was lost.

The amendment offered by Mr. Bradford was adopted ; And the motion to refer was carried ;

And the bill was referred to a special committee of one from each judicial circuit, as follows, to-wit :

Messrs. Moore, Marlowe, Nininger, Miller, Speake, Appleton, Ellison, Murrah, Ware, Davis, Henderson and Leath.

On motion of Mr. Moore,

The committee on education were instructed to return to the House the bill—

To establish a college for the benefit of agriculture and the mechanic arts, as a branch of the University of Alabama, pursuant to an act of Congress on the subject, approved July 2, 1862.

Mr. Wyman, from the committee on education, in obedience to the instruction, reported back the bill to the House ; and it was referred to the special committee of one from each judicial circuit.

By Mr. Toomer—

To amend section 80 of an act to establish revenue laws in the State of Alabama, approved December 31, 1868.

Also,

To make appropriations for the fiscal year, ending September 30th, 1872.

By Mr. Thompson—

For the relief of justices of the peace of Montgomery county ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means.

By Mr. Lowe—

To authorize the Memphis and Charleston railroad company



to issue bonds secured by mortgage for the construction of branch railroads and for other lawful purposes ;

Which was read twice under a suspension of the constitutional rule, and passed.

Mr. Toulmin—

Introduced joint resolutions on the subject of swamp and overflowed lands of the State ;

Which were referred to the committee on education.

By Mr. Gunn—

To prevent the display of weapons, endangering the lives of others ;

Which was read twice under a suspension of the constitutional rule.

Mr. Graham moved to lay the bill on table ;

Which was lost.

And the bill was referred to the committee on the judiciary.

Mr. Boyd, from special committee, reported favorably to the bill,

To require the supreme court to re-instate on the docket of said court, upon certain conditions therein expressed, a certain appeal from the circuit court of Limestone county ;

Which was read third time under suspension of the constitutional rule, and passed.

Yeas 87, nays 0.

Yeas—Messrs. Speaker, Appleton, Alley, Ashurst, Benson, Box, Boyd, Bradford, Bulger, Bullock, Callaway, Carlin, Carmichael, Clark, Cochran, Coleman, Cowan, Craig, Crook, Curtis, Davis, Diggs, Drake, Duskin, Dustan, Ellison, Etheridge, Gaskin, Gee, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Green, Gunn, Hamilton, Haralson, Henderson, Henry, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, Kennedy, King, Knox, Leath, Lewis, Lindsay, Lowe, Lumpkin, McDermott, Mancill, Marlowe, Miller, Moore, Murrah, Ninger, Perrin, Powell, Raisler, Rice, Semmes, Sims, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, Speed, St. Clair, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Toomer, Toulmin, Tyler, Ware, Weatherford, Wells, White, Williams and Wyman—87.

## REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Powell—

From the committee on enrolled bills, reported the following correctly enrolled :

To authorize the commissioners court of Choctaw county to procure a map and field notes of the survey of all the lands in said county.

To repeal an act to give the court of county commissioners of Chambers county full and complete control over the funds of said county.

To amend section 6 of an act to incorporate the baptist female institute at Moulton.

On motion of Mr. Moore—

The bill to provide for locating the agricultural and mechanical college,

Was taken from the table, and referred to the select committee of one from each judicial circuit.

## SPECIAL ORDERS.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the special orders for that hour.

The first in order being the bill—

To establish revenue laws for the State of Alabama, being on its second reading—

Mr. Moore moved to postpone the further consideration of the bill until Monday next at 12 o'clock m., and make it the special order for that hour :

Which motion was laid on the table.

And, on motion of Mr. Powell—

Its consideration was made the special order for to-morrow at 12 o'clock.

The next special order being the bill—

To give additional power to judges of probate,

The question pending being on concurring in the adverse report of the committee,

The report was concurred in.

The next special order being the bill—

To authorize and require the governor to date the indorsement upon certain railroad bonds therein named,

The bill being on its second reading—

Mr. Lewis moved to recommit the bill to the committee on internal improvements, with instructions to inquire into and report the facts connected with the bonds and failure to date them.

Mr. Haralson moved to lay Mr. Lewis' motion on the table ;

Which was lost, and the bill recommitted with the instructions.

On motion of Mr. Leath—

House adjourned till to-morrow morning 10 o'clock.

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FIFTEENTH DAY.

WEDNESDAY, December 6, 1871.

House met pursuant to adjournment.

Prayer by Rev. Mr. Kinzer.

Journal of yesterday was read and approved.

CALL OF THE COUNTIES.

Upon call of the counties, the following bills were introduced :

By Mr. Davis—

To provide an additional term of the chancery court for the third district, eastern chancery division, composed of the county of Randolph.

By Mr. Knox—

To amend section 1361 of the Revised Code.

By Mr. Henderson—

For the protection of personal property.

By Mr. Speaker (Mr. Bullock in the chair)—

To prescribe the rule of practice with reference to unstamped instruments ;

Also—

To authorize the garnishment of a judgment debtor, and to prescribe the effect thereof ;

Which were severally read twice, under suspension of the constitutional rule, and referred to the committee on the Judiciary.

By Mr. Hodo—

To authorize the court of county commissioners of Pickens county to levy a special tax ;

Also—

For the relief of W. Q. Mustin, late tax collector of Pickens county ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means.

By Mr. Box—

To incorporate the town of Attalla, in the county of Etowah.

By Mr. Bradford—

To repeal an act incorporating the town of Fayetteville, in Talladega county.

By Mr. Dustan—

To amend an act to incorporate the town of Demopolis, approved January 20, 1866 ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on corporations.

By Mr. Holmes—

For the relief of county superintendents of education ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Thompson moved to amend by inserting "ministers of the gospel" after "superintendents of education."

On motion of Mr. Henderson, the bill was laid on the table.

By Mr. Holmes of Sumter—

To provide for the collection of taxes on dogs ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Box moved to amend by inserting the words "and bachelors" after word "dogs."

On motion of Mr. Hamilton, the bill was laid on the table.

By Mr. Smith of Sumter—

To amend section 2704 of the Revised Code.

By Mr. Coleman—

To repeal an act to amend an act to regulate the publication of legal notices, approved October 8, 1868.

Also,

To repeal an act for the relief of certain school officers, so far as it applies to the county of Washington.

By Mr. Perrin—

To amend section 2792 of the Revised Code ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the revision of the laws.

By Mr. Smith of Sumter—

To relieve Edward H. Ustick, former jailer of Sumter county.

By Mr. Bulger, (with petition)—

To authorize Margaret Wilson, widow of Irvin Wilson, de-

ceased, to sell and convey by deed, certain lands therein named.

By Mr. Speaker—

To prohibit the sale of liquors within (3) three miles of the Academy, Baptist and Methodist churches at Helicon.

Also,

To require the corporate authorities of Troy to make and publish a statement of the amounts collected and paid out by their authority.

Also,

To authorize W. R. Head, administrator de bonis non of W. F. Faulkner, to sell the land of the estate without an order of court ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. Bradford—

For the benefit of Stella Crandal of Calhoun county.

By Mr. Speaker—

To put in force certain provisions of the Revised Code relating to the publication of legal and other notices

Also,

For the payment of certain claims out of the general county fund.

By Mr. Steele—

To confer on John Ti Rather and Silas P. Rather, administrators of Edward M. Thompson, deceased, authority to compromise a suit.

By Mr. Moore—

For the relief of Wm. McCrary of Hale county and John Jones of Geneva.

By Mr. Henderson—

To authorize and empower John T. Cook, judge of probate of Wilcox county, to complete and perfect the records and minutes of the proceedings of said court, which were left incomplete by his predecessor James H. Burdick ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

By Mr. Speaker—

To repeal a certain portion of an act therein named ;

Which was read twice, under suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. Speaker—

To authorize the removal of fences after re-surveys show them to be on the land of others ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on agriculture.

Also,

To prescribe the manner of introducing a party to a suit as a witness ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

Also,

Declaring E. T. Varner, R. R. Varner and L. V. Alexander liners ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on county and county boundaries.

Also,

To repeal section 2910 of the Revised Code ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

On motion of Mr. Smith—

The vote concurring in the adverse report of the committee on the bill—

To give additional powers to judges of probate, was reconsidered, and its further consideration made the special order for 12 o'clock, m. to-morrow.

Mr. Smith of Sumter, from the committee on privileges and elections, to which was referred a resolution instructing said committee to report a bill regulating elections in this State, reported a bill—

To regulate elections in the State of Alabama ;

Which was read twice, under suspension of the constitutional rule.

On motion of Mr. Haralson, 150 copies were ordered to be printed, and the bill was made the special order for Saturday next, 12 o'clock, m.

Mr. Speaker laid before the House the annual report of the trustees of the Freedman's Hospital at Talladega ;

Which was referred to the committee on public printing.

Mr. Bullock, from committee on finance, to which was referred the bill—

To authorize and empower the governor to draw his warrant on the treasurer to pay for legal services rendered the State by the late Gen. James H. Clanton,

Reported a substitute therefor.

The question being on the adoption of the substitute—

Mr. Bradford moved to amend the substitute, by striking out the preamble ;

Which, on motion of Mr. Oates, was laid on the table.

Mr. Haralson moved to lay the substitute reported by the committee on the table ;

Which was lost.

Yeas 2, nays 77.

Those who voted in the affirmative, are—

Messrs. Haralson and Johnson of Dallas.

Those who voted in the negative, are—

Messrs. Speaker, Appleton, Ashurst, Benson, Box, Boyd, Bulger, Bullock, Callaway, Carlin, Cochran, Clements, Craig, Crook, Davis, Diggs, Doster, Dozier, Drake, Duskin, Dustan, Etheridge, Gaskin, Gee, Gi christ, Graham, Grayson of Clark, Grayson of Madison, Green, Gunn, Hamilton, Henderson, Henry, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Knox, Leath, Lewis, Lindsey, Lowe, Lumpkin, McDermott, Mancill, Marlowe, Miller, Moore, Murrah, Nininger, Gates, Payne, Powell, Raisler, Semmes, Sims, Smith of Greene, Smith of Sumter, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Toomer, Toulmin, Tyler, Ware, Weatherford, Wells, White, Williams and Wyman—77.

Mr. Moore moved to amend the preamble by striking out "do relinquish" and inserting the words " have relinquished ;"

Which, on motion of Mr. Boyd, was laid on the table.

Mr. Dustan moved to postpone the further consideration of the bill, and make it the special order for to-morrow:

Which motion was laid on the table.

Mr. Taylor of Lauderdale moved to amend as follows, by proviso:

Provided, That the said Messrs. Stone & Clopton do relinquish all claim they have against the State for services rendered as stated above, in favor of the widow and children of James H. Clanton, deceased.

Mr. Bradford moved to amend the amendment by substitute, as follows :

Provided, This act shall not be held to mean that the State of Alabama is indebted any further to Stone, Clopton & Clanton, or either of them, or to any other attorney or attorneys, on account of litigation, or on account of the Alabama & Chattanooga railroad company.

Mr. Grayson of Madison moved to lay the substitute offered by Mr. Bradford on the table ;

Which was lost.

The question being on the adoption of the substitute, it was then adopted.

Mr. Grayson of Madison moved to amend the proviso by striking out the words "or to any other attorney or attorneys ;"

Which was lost.

Mr. Oates moved to amend the proviso by substitute, as follows ;

Provided, By the passage of this act the State does not acknowledge that it owes anybody else anything, other than those named herein above ;

Which, on motion of Mr. Boyd, was laid on the tables.

Yeas 63, nays 21.

Yeas—Messrs. Speaker, Appleton, Benson, Box, Boyd, Bradford, Bulger, Bullock, Carlin, Clark, Cochran, Cowan, Craig, Crook, Curtis, Davis, Diggs, Doster, Dozier, Drake, Duskin, Dustan, Gaskin, Gee, Graham, Green, Gunn, Hamilton, Henderson, Henry, Hewitt, Hitchcock, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lowe, Lumpkin, McDermott, Mancill, Marlowe, Miller, Moore, Nininger, Raisler, Semmes, Sims, Smith of Greene, Smith of Sumter, Speake, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Ware, Weatherford, Wells, White and Wyman—63.

Nays—Messrs. Ashurst, Callaway, Coleman, Etheridge, Grayson of Clarke, Grayson of Madison, Haralson, Hodo, Johnson of Dallas, Knox, Lindsey, Oates, Payne, Perrin, Powell, Speed, Thompson, Toulmin, Tyler and Williams—21.

The amendment offered by Mr. Bradford was adopted ;

Yeas 52, nays 33.

Yeas—Messrs. Speaker, Appleton, Benson, Box, Boyd, Bradford, Bulger, Carlin, Cochran, Coleman, Cowan, Crook, Curtis, Davis, Doster, Dozier, Drake, Duskin, Dustan, Gee, Graham, Grayson of Clarke, Green, Hamilton, Henderson, Henry, Hewitt, Hitchcock, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lumpkin, McDermott, Mancill, Miller, Marlowe, Murrah, Raisler, Semmes, Sims, Speake, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Ware, Weatherford, Wells, White and Wyman—52.

Nays—Messrs. Ashurst, Bullock, Callaway, Clarke, Craig, Diggs, Etheridge, Gaskin, Grayson of Madison, Gunn, Haralson, Hodo, Holmes of Sumter, Johnson of Dallas, Knox, Lewis,



Lindsey, Lowe, McCaskey, Moore, Nininger, Oates, Payne, Perrin, Powell, Smith of Greene, Smith of Sumter, Speed, Thompson, Toomer, Toulmin, Tyler and Williams—33.

The substitute was adopted ;

And, on motion of Mr. Hewitt, the word "governor" was stricken out in the first section, and the word " auditor " inserted.

The constitutional rule was suspended, and the bill read a third time and passed ;

Yeas 76, nays 9.

Yeas—Messrs. Speaker. Appleton, Ashurst, Benson, Boyd, Bradford, Bulger, Bullock, Callaway, Carlin, Cochran, Coleman, Craig, Crook, Davis, Doster, Dozier, Drake, Duskin, Dugan, Etheridge, Gaskin, Graham, Grayson of Clarke, Grayson of Madison, Greene, Gunn, Hamilton, Henderson, Henry, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Knox, Leath, Lewis, Lindsay, Lowe, Lumpkin, McDermott, Mancill, Marlowe, Miller, Moore, Murrell, Nininger, Oates, Payne, Powell, Raisler, Semmes, Sims, Smith of Greene, Smith of Sumter, Speake, Speed, St. Clair, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Thompson, Toomer, Toulmin, Tyler, Ware, Weatherford, Wells, White, Williams and Wyman—76.

Nays—Messrs. Box, Clark, Curtis, Diggs, Gee, Haralson, Johnson of Dallas, McCaskey and Perrin—9.

The title was amended by striking out " governor," and inserting " auditor."

Message from the governor, by his private secretary, Mr. Gindrat :

Mr. Speaker :

The governor has approved bills, originating in the House of Representatives, as follows :

To repeal an act to give the commissioners court of the county of Chambers full and complete control over the funds of said county.

To supply the probate judge of Choctaw county with books and documents.

To authorize the commissioners court of Choctaw county to procure a map and field notes of the survey of all lands in said county.

To repeal an act to authorize the court of county commissioners of Chambers county to borrow money, and to provide the means of paying the same, approved Dec. 7, 1866.

To amend section 6 of an act to incorporate the Baptist female institute at Moulton.

To authorize the probate court of Bullock county to take jurisdiction of the administration of the estate of Marion A. Baldwin, deceased, late of Montgomery county.

To declare the town of Jacksonville, in the county of Calhoun, to be duly and legally incorporated, and to confer additional powers upon the corporate authorities, in issuing bonds to supply the town with water, establishing fire limits, and aiding in opening and keeping up roads outside its limits.

J. H. GINDRAT,  
Private Secretary.

Mr. Smith of Sumter—

From special committee, reported favorably to the bill—

To relieve Mary S. Harris of Sumter county from settling her guardian accounts in the probate court of said county for the space of five years.

Mr. Toulmin, from the committee on the judiciary, reported favorably to the following Senate bills :

To require the county treasurer for Tuscaloosa county to pay the fees now due the county solicitor for said county in certain cases.

To fix the time of holding the circuit courts in the 3d judicial circuit.

To amend an act to repeal and amend an act to amend and repeal subdivision 10 of section 750 of the Revised Code.

To authorize B. H. Micou, administrator of the estate of Eben Kirk, deceased, late of Montgomery county, to dispose of real and personal property belonging to said decedent, at private sale.

Also, favorably to the bill—

To repeal an act to suppress murder, lynching and assaults and batteries ;

All of which were severally read a third time, under a suspension of the constitutional rule, and passed.

Mr. Toulmin, from the committee on the judiciary, reported a substitute for the bill—

To compel probate judges and other county officers in the county of Sumter, to give as sureties on their official bonds, persons residing in said county ;

Which was adopted, and the bill was read a third time, under suspension of the constitutional rule, and passed.

The bill was amended, so as to read a bill to be entitled an act—

To compel probate fudges and other county officers in each and every county in this State, to give as sureties on their official bonds, persons residing in their respective counties.

Message from the Senate, by Mr. Whiting :

SENATE CHAMBER,  
December 6, 1871. }

Mr. Speaker :

The Senate has passed House bills as follows :

To change the lines between the counties of Calhoun and Etowah.

To declare Thorington Perkins and Stephen Abercrombie, liners between the counties of Perry and Bibb, citizens of Bibb county, and to change the line between said counties.

To incorporate the town of Cherokee, in Colbert county.

To decrease the pay of the commissioners court of Chambers county.

To authorize and empower A. W. Jones, probate judge of Conecuh county to exercise jurisdiction over the estate of Jephtha V. Perryman, deceased.

To empower Mrs. Caroline Durrah of Cleburne county, to sell certain lands therein named.

To authorize and empower the judge of probate of Tuscaloosa county, to procure copies of field notes.

To authorize Michael J. Brennan and Charles Cavorac, citizens of New Orleans, La., to qualify in the city of Mobile, Alabama, as co-executors of the last will and testament of D. O. Grady, deceased.

For the relief of Willie Raiford of Marengo county.

To prevent the destruction of certain game in Mobile county.

To amend an act for the relief of delinquent tax payers, approved January 26, 1871.

To supply the county of Choctaw with a tract book.

The Senate has amended as therein shown, and passed the House bill—

To prohibit the sale of spirituous liquors within two miles of the furnace at Irondale, in Jefferson county.

The Senate has also adopted the joint memorial of the General Assembly of Alabama, to the Congress of the United States, asking for the revival of the land grants made to the State of Alabama, before and since the war, to aid in the

construction of the Elyton, Corinth and Tennessee River Railroad, from Birmingham, Alabama, in the direction of Pittsburg, Tennessee, through the counties of Jefferson, Walker, Marion, Winston and Franklin.

And has adopted a resolution, as herewith transmitted, in relation to House joint resolution requesting joint committee to investigate sundry charges against Judge Elliott of Mobile.

M. P. BLUE,  
Secretary.

Message from the Senate, by Mr. Whiting :

SENATE CHAMBER,  
December 6, 1871. }

Mr. Speaker :

The Senate has passed House bills as follows :

For the relief of A. M. Mills and F. S. Breitling, administrator de bonis non, with the will annexed, of Gottlieb Breitling, deceased, late of Marengo county,

And has originated and passed bills as follows ;

To change the county line between the counties of Randolph and Clay.

To prohibit the sale of intoxicating liquors within two miles of the male and female academy ; the Baptist and Methodist churches, in the town of Fayetteville, Talladega county.

M. P. BLUE,  
Secretary.

Mr. Powell, from the committee on enrolled bills, reported as correctly enrolled :

A bill, for the relief of A. M. Mills and F. S. Breitling, administrator de bonis non, with the will annexed, of Gottlieb Breitling, deceased, late of Marengo county.

#### LEAVE OF ABSENCE.

Leave of absence was granted Messrs. Box, Black, Ellison and King.

By leave, Mr. Strauss offered the following preamble and resolution ;

Which was adopted :

Whereas, numerous citizens of the 6th judicial circuit of this State have memorialized the General Assembly, preferring charges of misconduct and misdemeanors in office, against the Hon. John Elliott, judge of said circuit ; therefore,

Be it resolved, That a committee of seven be appointed by the Speaker, to inquire into the said charges against the said John Elliott ; that said committee be, and the same is hereby empowered to examine witnesses in respect of said charges, and to send for persons and papers, and if in the opinion of said committee the evidence is sufficient to establish the charge, it shall be its duty to prepare and report to this House as early as practicable, articles of impeachment against the said John Elliott, to be preferred before the Senate, together with the evidence taken by them.

Mr. Speaker appointed the following as the committee, to-wit :

Messrs Lewis, Strauss, Oates, Bradford, Hewitt, Doster and Duskin.

By leave, Mr. Marlowe introduced a bill,  
For the relief of Elizabeth Tipton, of Dallas county;  
Which was read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

On motion of Mr. Lewis—

The House adjourned until to-morrow morning 10 o'clock,

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#### SIXTEENTH DAY.

THURSDAY, December 7, 1871,

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Kenzie.

The journal of yesterday was read and approved.

#### CALL OF THE COUNTIES.

Upon the call of the counties, the following bills were introduced :

By Mr. Powell—

To incorporate the town of Pine Apple, in Wilcox county.

Also—

To incorporate the town of Georgiana, in Butler county.

By Mr. McDermott—

To incorporate the town of Whistler, in Mobile county ;

Which were severally read twice under a suspension of the constitutional rule, and referred to the committee on corporations.

By Mr. Powell—

To declare Persimmon Creek, in Butler county, a public highway ;

Which was read twice, under suspension of the constitutional rule, and referred to the committee on public roads and highways.

By Mr. Ware—

To repeal an act to declare Joseph H. Harris, (a liner between the counties of Chambers and Lee), a citizen of Lee county.

By Mr. Lumpkin—

To repeal an act to change the county line between the counties of Chambers and Lee ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on counties and county boundaries.

By Mr. Ware—

To amend section three of an act, to empower the commissioners court of Chambers county to issue bonds for the purpose of liquidating the present indebtedness of said county.

By Mr. Callaway—

To remove the administration of the estate of Samuel H. Davis and Andrew S. Davis, deceased, from the county of Butler to the county of Crenshaw.

By Mr. Cochran, (with petition)—

To prohibit the sale of liquors within two miles of Town Crook church, in Dallas county,

By Mr. Hamilton—

For the relief of Rachael Baccus, of Marion county ;

Which were severally read twice under a suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. Lumpkin—

To repeal an act to declare James M. Garwood, (a liner between the counties of Chambers and Lee), a citizen a Lee county.

Which was read twice, under a suspension of the constitutional rule, and referred to a special committee, as follows:

Messrs. Lumpkin, Ware, Toomer and Sims.

Mr. White moved to reconsider the vote on the passage of the Senate bill,

To amend an act to repeal and amend an act to amend and repeal subdivision 10, of section 760, of the Revised Code ;

Which was carried.

Also, moved to reconsider the vote ordering the bill to a third reading ;

Which was carried.

Mr. White moved to amend, as to the time of holding the circuit court in Randolph and Clay counties, so as to read as follows :

" In the county of Randolph, on the third Mondays in February and August, and may continue one week."

" In the county of Clay, on the fourth Mondays in February and August, and may continue one week ;"

Which was adopted,

And the bill re-committed to the judiciary committee.

By Mr. Callaway—

To regulate the chancery court in the 5th district of the southern chancery division.

By Mr. Hewitt—

To prohibit the sale or giving away of spirituous liquors within two miles of Village Springs, in Blount county, and the Chewacla Lime Company, in Lee county.

By Mr. Strauss—

To extend the time within which the Bienville Water Works of the city and county of Mobile may commence and construct their works, without forfeiture ;

Which were severally read three times, under a suspension, of the constitutional rule, and passed.

By Mr. Haralson—

To amend section 903 of the Revised Code.

By Mr. Oates—

To better secure the payment of rents of lands in this State.

By Mr. Toomer—

To regulate business in the circuit courts of this State ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Oates—

(With petition,) To authorize and require the commissioners court of Montgomery county to establish a public pound in township 14, range 20, and south half of township 15, range 20, in Montgomery county ;

Which was read a first time, and ordered to a second reading.

By Mr. Lowe—

To encourage investments of money within this State by life insurance companies of other or foreign States.

By Mr. Lindsay—

To authorize the commissioners court of Monroe county to levy a special tax ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means.

By Mr. Hitchcock—

To provide for the freedman's hospital, located near the city of Talladega ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on public buildings and institutions.

By Mr. Haralson—

To amend section 6 of an act to authorize the several counties and towns and cities of the State of Alabama to subscribe to the capital stock of such railroads throughout the State, as they may consider most conducive to their respective interests ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Graham—

For the relief of Warren S. Kennedy and James H. Stewart, administrators of the estate of William S. Kennedy, deceased ;

Which was read twice, under a suspension of the constitutional rule, and referred to a special committee, as follows :  
Messrs. Graham, Hewitt, Clements, and Smith of Sumter.

Message from the Senate, by Mr. Whiting :

SENATE CHAMBER,  
December 7, 1871. }

Mr. Speaker :

The Senate has passed House bills as follows :

To provide for the collection and distribution of fines and forfeitures in the counties of Clay and Coosa.

The Senate has amended as therein shown, and passed, the House bill—

To amend section 1 of an act to enable the commissioners court of St. Clair, Walker and Choctaw counties, respectively, to erect bridges and have public buildings repaired, and



to make the same preferred claims against the counties, approved February 7, 1871.

The Senate has originated and passed a bill—

To authorize the Governor to subscribe for a map of Alabama.

M. P. BLUE,  
Secretary.

#### JUDICIARY.

Mr. Toulmin, from the judiciary committee, reported favorably to the bill—

To confer upon married women under twenty-one years of age the same rights and obligations in law and equity as are possessed by married women over twenty-one years of age ;

With an amendment to strike out section 2.

The amendment was adopted and the bill read a third time, under a suspension of the constitutional rule, and passed.

Also, from same committee, reported favorably to the bill—

To require circuit judges to abstain from holding court in their own circuits for two successive terms of said courts ;

With an amendment by proviso :

Provided, the provisions of this act shall not apply to the 6th judicial circuit ;

Which was adopted.

Mr. Smith of Choctaw moved to amend by excluding the 7th judicial circuit.

On motion of Mr. Hewitt—

The further consideration of the bill was indefinitely postponed—Yeas 49, nays, 36.

#### ENROLLED BILLS.

Mr. Powell, from the committee on enrolled bills, reported the following correctly enrolled :

To prohibit the sale of liquors within two miles of the furnace at Irondale, in Jefferson county.

To amend an act for the relief of delinquent tax payers, approved January 26, 1871.

To authorize and empower A. W. Jones, probate judge of Conecuh county, to exercise jurisdiction over the estate of Jephtha V. Perryman, deceased.

To authorize and empower the probate judge of Tuscaloosa county to procure copy of field notes.

For the relief of Willie Raiford, of Marengo county,  
 Joint memorial to congress, as King for the revival of the  
 land grants made to the State of Alabama before and since  
 the war, to aid in the construction of the Elyton, Corinth  
 and Tennessee river railroad.

To incorporate the town of Cherokee, in the county of  
 Colbert.

To change the line between the counties of Calhoun and  
 Etowah.

To declare Thorington Perkins and Stephen Abercrombie,  
 liners between Perry and Bibb counties, citizens of Bibb  
 county, and to change the line between said counties.

To decrease the pay of commissioners court of Chambers  
 county.

To empower Mrs. Caroline Durrah of Cleburne county to  
 sell certain lands therein described.

To supply the county of Choctaw with a tract book.

To prevent the destruction of certain game in Mobile  
 county.

To authorize Michael J. Brennan and Charles Cavorac, cit-  
 izens of New Orleans, to qualify in the city of Mobile as co-  
 executors of the last will and testament of D. O. Grady, de-  
 ceased.

By Mr. Henry—

A bill to incorporate the town of Seale, in the county of  
 Russell,

Which was read twice, under a suspension of the consti-  
 tutional rule, and referred to the committee on corporations.

By Mr. Semmes—

A bill to amend section 4182 of the Revised Code ;

Which was read twice, under a suspension of the constitu-  
 tional rule, and referred to the committee on the revision  
 of the laws.

The call of the counties being concluded—

Reports from committees were next in order.

#### JUDICIARY COMMITTEE.

Mr. Toulmin, from the judiciary committee, reported favor-  
 ably to the bill—

To amend an act in relation to appeals from justices' courts ;

Which was read a third time, under a suspension of the  
 constitutional rule, and lost.

Mr. Toulmin, from the same committee, reported favorably, with an amendment by way of substitute to the bill—

To prevent the stealing of agricultural products.

Mr. Thompson moved to lay the substitute on the table ;

Which was lost.

Mr. Semmes moved to amend by exempting the city of Mobile from the operations of the bill—

Which was carried.

Mr. Hewitt moved to exclude the county of Jefferson.

" Cowan	"	"	"	Jackson.
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" Alley	"	"	"	Macon.
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" Thompson	"	"	"	Montgomery.
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" Curtis	"	"	"	Perry.
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" Johnson	"	"	"	Dallas.
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" Green	"	"	"	Hale.
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All of which amendments were severally adopted.

On motion of Mr. Dustan the bill was laid on the table.

Mr. Toulmin, from the same committee, reported favorably to the following bills—

To repeal chapter 7 of title 3 of part 4 of the Revised Code.

To ratify a certain sale in the county of Dallas.

To increase the pay of witnesses in attendance upon all courts in Greene county, except justices' courts.

To authorize married women to mortgage their statutory Separate estates in certain cases.

For the relief Catharine Norton.

To amend section 1860 of the Revised Code.

To establish public holidays.

To repeal an act for the relief of laborers and employees.

To declare valid the acts of notaries public in certain cases,

To define and restrict the operations of the exemption laws of Alabama.

Which were severally read a third time, under a suspension of the constitutional rule, and passed.

Mr. Toulmin, from the same committee, reported favorably to the bill—

To define and punish seduction.

Mr. Boyd moved to amend by striking out section 2 ;

Which was lost.

Mr. Semmes moved to amend by striking out the proviso in the first section ;

Pending the consideration of which, on motion of Mr. Powell, the further consideration of the bill was indefinitely postponed.

The hour of twelve o'clock having arrived, the consideration of the special orders was suspended, to allow the committee on the judiciary to complete their report.

Mr. Toulmin, from same committee, to which was referred the following bills—

To prohibit the sale, exchange or removal from the county wherein it is, any property on which there is a mortgage or lien of any kind without the written consent of the holder of such mortgage or lien.

To amend section 3705 of the Revised Code.

To prevent the removal of mortgaged property ; reported a substitute therefor of the following title :

To restrict the sale of personal property in certain cases.

Mr. Powell moved to amend by proviso, as follows :

"Provided the intent of the party is to remove the property from the county in which the property is ; and provided further, that a payment of the debt, secured by the mortgage or other lien, at any time within thirty days after the sale, or at any time before prosecution is commenced, shall have the effect to discharge the person from prosecution and the penalty imposed by this act."

Mr. Oates moved to lay the amendment on the table ;

Which was carried.

Yeas 64, nays 16.

Yeas—Messrs. Alley, Boyd, Bradford, Bullock, Carlin, Clark, Clements, Cochran, Cowan, Craig, Crook, Curtis, Davis, Diggs, Dozier, Drake, Duskin, Dustan, Gaskin, Gee, Graham, Grayson of Clark, Grayson of Madison, Green, Gunn, Hamilton, Henderson, Henry, Hewitt, Hitchcock, Hodo, Hurt, Kennedy, Lewis Lindsay, Lowe, Lumpkin, McCall, McCaskey, Miller, Nininger, Oates, Payne, Rice, Semmes, Sims, Smith of Greene, Smith of Sumter, Smitherman, Speake, Speed, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Thompson, Toomer, Toulmin, Tyler, Ware, Weatherford, White, Williams, and Wyman—61.

Nays—Messrs. Speaker, Ashurst, Benson, Callaway, Coleman, Etheridge, Haralson, Holmes of Sumter, Johnson of Dallas, Knox, Leath, Mancill, Perrin, Powell, Raisler and Wells—16.

The substitute was adopted and the bill ordered to a third reading.

Mr. Toulmin, from same committee, reported favorably to the bill—

To prevent homicide, with the following amendment—add to section 1 the following proviso :

“Provided, that if the person whose death is wrongfully caused as aforesaid, holds at the time a policy of insurance on his life, from any insurance company, which policy is paid by said company, then and in such case, such company shall have the exclusive right of action for the recovery of the damages aforesaid ; and should the recovery in such cases exceed the amount paid on said policy, the excess of the recovery shall be distributed as herein before provided.”

On motion of Mr. Hewitt, the further consideration of the report was postponed, and made the special order for Saturday next, half-past 12 o'clock.

Also, adversely to the bill—

To repeal an act to amend an act to establish a criminal court for the county of Montgomery, with civil jurisdiction.

The report was concurred in, and the bill lost.

Also, favorably to the bill—

To require the registration of claims against the fine and forfeiture fund in each county.

On motion of Mr. Boyd, the further consideration of the bill was indefinitely postponed.

On motion of Mr. Hewitt, the regular order of business was suspended for the purpose of considering—

Joint resolutions proposing certain amendments to the constitution.

The joint resolutions were read a second time and referred to a special committee of seven (7), as follows, to-wit:

Messrs. Hewitt, Boyd, Semmes, Henderson, Doster, White and Gunn.

Leave of absence was granted Mr. Kennedy for 3 days, Mr. Marlowe for 1 day, Mr. Johnson of Coosa for 3 days.

On motion of Mr. White,

The House adjourned until to-morrow morning 10 o'clock.

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## SEVENTEENTH DAY.

FRIDAY, December 8, 1871.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Kinzer.

The journal of Wednesday was read and approved.

On motion of Mr. Oates, the vote on the passage of the bill, To ratify a certain sale in the county of Dallas was reconsidered.

Also, the vote by which the bill was ordered to a third reading ;

And the bill was recommitted to the committee on the judiciary.

By leave, Mr. Lewis offered the following resolution, which was adopted ;

Resolved, That a special committee of seven, of this House, be appointed, to which shall be referred for investigation the following matter : the endorsement of railroad bonds, the payment of interest on railroad bonds, the seizure of the Alabama & Chattanooga Railroad, the appointment of receiver for such road and the pledging of the State as his surety by the governor of the State, the sale and lease of property by such receiver pertaining to said road, the adjudication of said Alabama & Chattanooga Railroad Company to be bankrupt, the means by which the receiver of the State became the assignee of the said bankrupt company, the condition of the railroads that have received the aid of the State, and the forfeitures and penalties incurred by reason of the breach of any bonds or conditions given or provided for the protection of the State ; that said committee report to this House all the information that can be obtained on the foregoing subjects, and further report by bill or resolutions such measures as may be necessary to save the State from loss by reason of the present embarrassing and complicated relations of the State to said Alabama & Chattanooga Railroad Company.

2. Resolved, That said committee shall appoint a clerk and a sergeant-at-arms, and be clothed with power to send for person and papers.

Messrs. Lewis, Smith of Sumter, Clements, Crook, Toulmin, Duskin and Drake, were appointed as the committee.

By leave, Mr. Ashurst offered the following resolution, which was adopted :

Resolved, That the door-keeper be instructed to place the portrait of the lamented James H. Clanton immediately above the speaker's chair.

Report of a special committee :

Mr. Hewitt, from special committee, reported favorably to the bill—

For the relief of Warren S. Kennedy and James H. Stewart, administrators of the estate of William S. Kennedy, deceased ;  
Which was read a third time, under suspension of the constitutional rule, and passed.

On motion of Mr. Dustan, the vote rejecting the bill—  
To amend an act in relation to appeals from justices' courts;  
Was reconsidered.

#### WAYS AND MEANS.

On motion of Mr. Moore, the call of the counties was suspended to allow the committee on ways and means to report.

Mr. Oates, from the committee on ways and means, reported adversely to the following bills :

To restrain the commissioners court of Butler county from levying a tax for county purposes more than fifty per cent. on the present State tax.

To restrain the tax collector of Butler county from collecting the taxes assessed for 1871 for county purposes in said county, until the first day in May, 1872.

To limit the commissioners court of Sumter county in their power to assess taxes.

The House refused to concur in the reports of the committee ;

And the bills were severally read a third time, under a suspension of the constitutional rule, and passed.

Message from the Senate, by Mr. Whiting:

SENATE CHAMBER,  
December 8, 1872. }

Mr. Speaker :

The Senate has passed House bills as follows :

To prevent gambling in two miles of Mulberry college, in Blount county.

To give force and validity to the proceedings of the Mobile & Northwestern railroad company.

To repeal section three of an act to reorganize and establish the municipal government of the city of Mobile, approved July 18, 1868.

To amend section 3306 of the Revised Code.

To amend section four of an act to incorporate the town of Pickensville.

To incorporate the town of Guntersville, in the county of Marshall.

To allow John J. Delchamps, of the county of Mobile, to cut a canal, and to collect toll thereon.

To authorize the governor to issue a patent to D. D. Gibson and John M. Bibb, administrators of the estate of James M. Freeman, deceased.

And has amended, as therein shown, and passed the House bill—

To incorporate the Bluff City Hook and Ladder company of the city of Eufaula.

The Senate has originated and passed bills as follows :

For the relief of certain railroads in Alabama.

To make Mary Eliza Hays, of Limestone, and Mrs. Elizabeth Burnett, of Talladega county, free dealers.

To refund to Barbour county certain amounts of money erroneously allowed from the county tax.

To authorize the resignation of guardians

M. P. BLUE,  
Secretary.

#### WAYS AND MEANS.

Mr. Oates, from the committee on ways and means, reported adversely to the bill—

For the benefit of the fire companies of the cities of Huntsville and Demopolis ;

The House refused to concur in the report.

Mr. Moore moved to amend by inserting the city of Montgomery ;

Which was adopted.

Mr. Alley moved to insert the town of Tuskegee ;

Which was adopted.

The constitutional rule was suspended, and the bill read a third time and lost ;

Yeas 30, nays 45.

Yeas—Messrs. Alley, Ashurst, Boyd, Carlin, Clark, Cowan, Craig, Diggs, Dozier, Drake, Dustan, Ellison, Gaskin, Green, Hamilton, Henderson, Howell, King, Knox, Lowe, McCall, McCaskey, Nininger, Powell, Semmes, Speed, St. Clair, Toulmin, Williams and Wyman—30.

Nays—Messrs. Appleton, Benson, Bradford, Bulger, Bul-



lock, Callaway, Clements, Coleman, Doster, Duskin, Etheridge, Gee, Graham, Grayson of Clark, Grayson of Madison, Gunn, Haralson, Henry, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Hurt, Johnson of Dallas, Lewis, Lindsay, Lumpkin, Miller, Murrah, Oates, Payne, Rice, Smith of Sumter, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Thompson, Tyler, Ware, Weatherford and White—45.

Mr. Oates, from same committee, reported favorably to the following bills :

For the relief of W. Q. Mustin, late tax collector of Pickens.

To authorize the court of county commissioners of Pickens county to levy a special tax.

To amend subdivision 7 of section 112 of an act to establish revenue laws of Alabama.

To authorize the court of county commissioners of Pickens county to issue bonds for county purposes.

To authorize and require the mayor and council of the town of Union Springs to levy and collect a tax to pay the bonds issued by the corporate authorities of said town.

Which were severally read a third time, under a suspension of the constitutional rule, and passed.

Also, from same committee, adversely to the bill—

For the relief of justices of the peace of Montgomery county ;

Which was concurred in.

Also, from the same committee, adversely to the bill—

For the relief of delinquent tax payers anterior to 1871.

Mr. Moore moved to postpone the consideration of the report until Wednesday next ;

Which, on motion of Mr. Oates, was laid on the table ;

And the report of the committee was concurred in.

Mr. Oates, from same committee, reported adversely to the following bills—

For the benefit of the fire companies of the city of Montgomery.

To fix the time for the beginning and expiration of the term of office of tax collectors.

Requiring tax assessors to give tax payers, upon assessment of taxes, a duplicate copy of the articles so assessed.

For the relief of fruit distillers.

For the relief of John B. Davis, tax collector of Greene county.

Which were severally concurred in, and the bills passed.

Also, from the same committee, adversely to the bill—

Requiring tax collectors to give tax payers, upon the payment of taxes by them, a receipt showing the articles listed by the tax assessor ;

Which was laid on the table.

Also, favorably to the bill—

To relieve the Alabama Central railroad company from penalties incurred by the Selma and Meridian railroad company.

On motion of Mr. Lowe, the consideration of the report was postponed, and made the special order for to-morrow 12 o'clock.

Also, favorably to the bill—

For the relief of Mason Harwell and Edgar J. Lee, surviving partners of H. P. Lee & Co. of Montgomery, with the following amendments :

Strike out \$539 37 and insert \$268 68 ; also, strike out \$453 and insert \$226 50 ; also, strike out 1869 and insert 1868.

The amendments were adopted, and the bill read a third time, under a suspension of the constitutional rule and passed.

Also, from the same committee, to which was referred the following bills—

To provide for a final disposition of the bonds deposited with the treasurer by insurance companies for the protection of policy holders, on property in this State.

For the relief of the policy holders in the Home Insurance company of New Haven, Connecticut reported a substitute therefor, with a title as follows :

To provide for administering the securities that are, or may be held by this State, from the Security Insurance Company of New York, the Yonkers and New York Fire Insurance Company, the North American, the Manhattan, the Lorillard, the Aetna, the United States Fire Insurance Company of Baltimore, and the Home Insurance Company of New Haven, and from all other insurance companies for whom the State now holds, or may hold hereafter such securities.

The substitute was adopted, and the bill read a third time and passed.

#### LEAVE OF ABSENCE.

Leave of absence was granted Mr. Weatherford four days, Mr. Speaker two days, Mr. Grayson of Madison two days, and Mr. Alley one day.

Mr. Oates, from the same committee, reported favorably to the bill :

To relieve and regulate the finances of the State, with an amendment by way of a substitute for section 3, which was adopted.

Mr. Green moved to lay the bill on the table, and have 150 copies printed, which was laid on the table.

Mr. Taylor moved to amend by additional section as section 8, which was adopted.

Mr. Boyd moved to amend by additional section as section 9.

Pending the consideration of which, on motion of Mr. Semmes—

The House then adjourned until to-morrow morning, 10 o'clock.

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## EIGHTEENTH DAY.

SATURDAY, December 9, 1871.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Kinzer.

The journal of yesterday was read and approved.

On motion of Mr. Bullock, the vote concurring in the adverse report of the committee on the bill—

For the relief of John B. Davis, tax collector of Greene county, was reconsidered, and the bill was recommitted to the committee on ways and means.

Mr. Lewis, upon his own request, was excused from serving as chairman of the committee appointed to investigate charges against John Elliott, judge of the 6th judicial circuit.

By leave, Mr. Lewis offered the following preamble and resolution ;

Whereas, on a previous day of this session a resolution was unanimously adopted by this House inviting the concurrence of the Senate in the raising of a joint committee, to obtain all information concerning all matters pertaining to the State's connection with railroads, and to report by bill or resolution such measures as might be deemed expedient to save the State from loss, by reason of the embarrassing situation growing out of the bankruptcy of the Alabama and Chattanooga railroad company ; and whereas, it appears from what is called a majority report of the standing committee of the

Senate on internal improvements, that a portion of said committee has put a forced, unjust and partisan construction upon the said resolution of this House ; wrongfully imputing to this House a covert inauguration of a measure looking to the impeachment of the high official therein named ; and whereas, said report of the Senate committee has been published and widely disseminated throughout the State ; therefore,

Resolved, That the action of said majority of said Senate committee in the premises, was discourteous to this branch of the General Assembly, unwarranted by anything contained in said resolution, and was a gross perversion of a, grave public measure to paltry and partisan ends, and demands the severe and unqualified condemnation of this House.

Mr. Knox moved to postpone the consideration of the resolution until to-morrow 10 o'clock, m., which was lost.

Mr. Moore moved to amend by substitute as follows:

Resolved, That it was far from the intention of the House to reflect on the governor, or have any intention looking towards impeachment of said official, and that the conclusion to which the committee came was incorrect;

Which was lost.

The question recurring on the adoption of the preamble and resolution, it was put and lost.

Yeas 32, nays 45,

Yeas—Messrs. Bulger, Bullock, Calloway, Clements, Coleman, Cowan, Crook, Doster, Ellison, Etheridge, Gunn, Hamilton, Hewitt, Hodo, Holmes of Sumter, Hurt, Leath, Lewis, Lindsay, McDermott, Miller, Murrah, Sims; Smith of Choctaw, Smith of Greene, Smitherman, Speake, Steele, Strauss, Taylor of Winston, Toulmin and Wyman—32.

Nays—Messrs. Benson, Boyd, Bradford, Carlin, Clark, Craig, Curtis, Davis, Diggs, Dozier, Drake, Duskin, Dustan, Gaskin, Gee, Graham, Grayson of Clark, Greene, Haralson, Henderson, Henry, Hitchcock, Howell, Johnson of Dallas, King, Knox, Lumpkin, McCall, McCaskey, Mancill, Marlowe, Moore, Nininger, Oates, Payne, Perrin, Rice, Speed, St. Clair, Taylor of Lauderdale, Thompson, Tyler, Ware, White and Williams—45.

Message from the Senate, by Mr. Whiting :

SENATE CHAMBER,  
December 9, 1871. }

Mr. Speaker :

The Senate has passed House bills as follows :

To repeal an act to incorporate the town of Ozark, in Dale county, approved February 23, 1856.

To repeal an act to lay off the county of Dale into four commissioners districts, approved February 16th, 1867.

To make Jas. H. Crowder a citizen of Pike county by changing the boundary line between Pike and Bullock counties.

The Senate has originated and passed bills as follows :

To authorize Thos. M. Knight to erect a mill-dam across the Warrior river.

For the relief of the tax collector of Dallas county.

M. P. BLUE,  
Secretary.

Mr. Oates moved to take from the table the resolution introduced by him, in relation to allowing the people of the State to vote for or against a convention ;

Which motion was lost.

CALL OF THE COUNTIES.

Upon the call of the counties, the following bills were introduced :

By Mr. Doster—

To fix the commissions of register in chancery of the third district of the middle chancery division of the State of Alabama.

By Mr. Clark—

To require the county treasurer of Barbour and Randolph counties to retain sufficient funds to pay grand and petit jurors ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. McCall—

To authorize Isaac M. Johnson, guardian of John A. Lowe and Wm. A. Lowe, to sell the lands belonging to his said wards, without making application, proof and obtaining an order of sale.

By Mr. Bradford—

To authorize the probate court of Talladega county to sell lands of Edward Gantt, deceased, on petition of special administrator.

By Mr. Hewitt—

To repeal section 60 of the Revised Code.

Also,

To amend section 675 of the Revised Code.

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on revision of the laws.

By Mr. Leath—

To repeal an act to provide for the payment of the interest due and unpaid upon the valid claims against the State on account of the failure of the Alabama and Chattanooga railroad to pay said interest ;

Which was read twice, under a suspension of the constitutional rule, and referred to the special committee raised by the House to investigate railroads, &c.

By Mr. Smith of Choctaw—

To authorize Mrs. Martha Ferrell, administratrix of the estate of Nicholas, Ferrell, deceased, to sell certain property at private sale ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to a special committee, as follows : Messrs. Smith of Choctaw, Crook and Bullock.

By Mr. Smith of Choctaw—

To prevent the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors within two miles of the male and female academy in the town of Isney, in Choctaw county.

By Mr. Moore—

To authorize Eliza C. Bradley, of Coffee county, to sell certain lands in Coffee county,

By Mr. Oates—

To repeal an act for the government of the bureau of industrial resources, approved August 12, 1868 ;

Which were severally read a third time, under a suspension of the constitutional rule, and passed.

By Mr. Benson—

To incorporate the Wetumpka female college.

Also,

(With petition,) To repeal an act to incorporate the Central Southern Mechanical and Literary Institute, approved January 3, 1852.

By Mr. Clements—

To amend an act to incorporate the Tuscaloosa Savings Association ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on corporations.

By Mr. Etheridge—

(With petition,) To change the seat of justice in Escambia county ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on counties and county boundaries.

By Mr. Johnson of Dallas—

To regulate the rates and toll of public ferries in this State ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on public roads and highways.

By Mr. Cowan—

To repeal an act to require the court of county commissioners to publish semi-annual exhibits of the receipts and expenditures of money for and on account of their respective counties ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on printing.

By Mr. Bradford—

Joint resolution to provide for the payment of expenses incurred by a member of the committee appointed by the House, at the last session of the general assembly, to visit the Alabama institution for the deaf and dumb and the blind, and the freedman's hospital, at Talladega.

Also,

For the relief of N. J. Skaggs, of Talladega county ;

Which were severally read twice under a suspension of the constitutional rule, and referred to the committee on accounts and claims.

#### SPECIAL ORDER.

The hour of twelve o'clock having arrived, the special order for that hour was taken up, it being the favorable report of the committee on ways and means to the bill—

To relieve the Alabama Central railroad company from penalties incurred by the Selma and Meridian railroad company.

Mr. Bradford moved to amend as follows :

Provided, however, that before the Alabama Central railroad company shall have, receive or take any benefit or right, or relief, under any provision of this act, the said company must first pay to the South and North Alabama railroad company, or to the State of Alabama for the use of said last named company, the forty thousand dollars borrowed of the State by the Alabama and Mississippi rivers railroad company, under and by virtue of the provisions of an act entitled "an act to loan and appropriate the three per cent. fund and its interest," approved February 18, 1860, and an act entitled "an act in relation to the Selma and Gulf railroad company," approved December 5, 1861 ; with interest on the said forty thousand dollars from the date of the bond and mortgage executed by the Alabama and Mississippi rivers railroad company for the forty thousand dollars so borrowed by it. The said forty thousand dollars and the interest thereon are virtually embraced in the proviso to the act entitled "an act authorizing the purchasers of any railroads, or parts thereof, under mortgage sale, or sales made according to the terms of deeds of trust, to organize as incorporated companies, and prescribing their powers and duties," approved August 12, 1868 ; and by that same proviso the Alabama Central railroad company is virtually bound to pay said forty thousand dollars and interest thereon.

Mr. Oates moved to recommit the bill, with the amendment.

Mr. Bulger moved to lay the amendment on the table ;

Which was lost—Yeas 25, nays 48.

Yeas—Messrs. Boyd, Bradford, Bulger, Callaway, Clements, Cowan, Crook, Curtis, Davis, Dozier, Graham, Gunn, Haralson, Holmes of Sumter, Johnson of Dallas, Lewis, Lumpkin, McCall, Marlowe, Miller, Moore, Taylor of Lauderdale, Ware, White and Wyman—25.

Nays—Messrs. Appleton, Benson, Bullock, Carlin, Clark, Craig, Diggs, Doster, Drake, Duskin, Dustan, Ellison, Gaskin, Gee Grayson of Clarke, Green, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Howell, Hurt, King, Knox, Leath, Lindsay, Lowe, McCaskey, Mancill, Murrah, Nininger, Oates, Payne, Rice, Semmes, Sims, Smith of Greene, Smitherman, Speed, St. Clair, Steele, Strauss, Taylor of Winston, Thompson, Toulmin, Tyler and Williams—48.

Mr. Bradford moved to lay the bill on the table ;

Which was lost—Yeas 30, nays 46.

Yeas—Messrs. Boyd, Bradford, Bulger, Callaway, Clem-



ents, Cowan, Crook, Curtis, Davis, Dozier, Etheridge, Gee, Graham, Gunn, Haralson, Hewitt, Holmes of Sumter, Hurt, Johnson of Dallas, Lewis, Lumpkin, McCall, Mancill, Marlowe, Miller, Moore, Taylor of Lauderdale, Ware, White and Wyman—30.

Nays—Messrs. Appleton, Bullock, Carlin, Clark, Coleman, Craig, Diggs, Doster, Drake, Duskin, Dustan, Ellison, Graham, Grayson of Clarke, Green, Hamilton, Henderson, Henry, Hitchcock, Hodo, Howell, King, Knox, Leath, Lindsay, Lowe, McCaskey, Murrah, Nininger, Oates, Payne, Rice, Semmes, Sims, Smith of Choctaw, Smith of Greene, Smitherman, Speake, Speed, St. Clair, Steele, Strauss, Taylor of Winston, Thompson, Toulmin, Tyler and Williams—46.

The bill was recommitted to the committee on ways and means ;

Yeas 61, nays 16.

Yeas—Messrs. Appleton, Bradford, Bullock, Callaway, Clark, Clements, Coleman, Craig, Curtis, Davis, Diggs, Doster, Dozier, Drake, Duskin, Dustan, Ellison, Etheridge, Gaskin, Grayson of Clarke, Green, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Howell, Hurt, King, Knox, Lindsay, Lowe, Lumpkin, McCaskey, Mancil, Miller, Murrah, Nininger, Oates, Payne, Rice, Semmes, Sims, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, Speed, St. Clair, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Thompson, Toulmin, Tyler, Ware, Williams and Wyman—61.

Nays—Messrs. Boyd, Bulger, Carlin, Cowan, Crook, Gee, Graham, Gunn, Haralson, Johnson of Dallas, Leath, Lewis, McCall, Marlowe and Moore—15.

Message from the Governor, by Mr. Chardavoyne :

Mr. Speaker :

The Governor has approved the following bills originating in the House of Representatives :

To declare Thorington Perkins and Stephen Abercrombie, (liners between the counties of Perry and Bibb,) citizens of Bibb county, and to change the line between said counties.

To prohibit the sale of liquors within two miles of the furnace at Irondale, in Jefferson county.

To incorporate the town of Cherokee, in Colbert county.

To change the line between the counties of Calhoun and Etowah.

To amend an act for the relief of delinquent tax-payers, approved January 26, 1871.

To authorize and empower A. M. Jones, probate judge of Conecuh county, to exercise jurisdiction over the estate of Jephtha V. Perryman, deceased.

To authorize and empower the probate judge of Tuscaloosa county, to procure copies of field notes.

For the relief of Willie Raiford, of Marengo county.

To empower Mrs. Caroline Durrah, of Cleburne county, to sell certain lands therein described.

To prevent the destruction of certain game in Mobile county.

Joint memorial to Congress, asking revival of certain land grants, to aid in the construction of the Elyton, Corinth and Tennessee River Railroad.

For the relief of C. M. Mills and F. S. Breitling, administrators de bonis non, with the will annexed, of Gottlieb Breitling, deceased, late of Marengo county.

To authorize Michael J. Brennan and Charles Cavorac, citizens of New Orleans, La., to qualify in the city of Mobile, as co-executors of the last will and testament of D. O. Grady, deceased.

To supply the county of Choctaw, with a tract book.

Mr. Rice, from the committee on enrolled bills, reported the following as correctly enrolled :

To amend section 3306 of the Revised Code ;

To prevent gambling within two miles of Mulberry college, in Blount county.

To authorize the Governor to issue a patent to D. D. Gibson and John M. Bibb, administrators of the estate of James M. Freeman, deceased.

To allow John J. Delchamps of Mobile county, to cut a canal and collect toll thereon.

To repeal section 3 of an act to reorganize and establish the municipal government of the city of Mobile, approved July 18, 1868.

To give force and validity to the proceedings of the Mobile and North-western Railroad company.

By leave, Mr. Lewis offered the following resolution ;

Which was adopted:

Resolved, That the committee on ways and means, be instructed to report as soon as practicable, a bill to prevent the tax collectors of the State from taking up State warrants,

and that they be compelled to pay all the moneys collected for the State into the State Treasury.

By leave, Mr. Coleman introduced a bill,

To authorize the commissioners court of the county of Washington, to levy and collect a tax for county purposes, on the railroads that intersect said county ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Leath moved to amend, by striking out the words " county of Washington," and inserting the words "several counties of this State" ;

Which was adopted.

And the bill was referred to the committee on ways and means.

Mr. Lewis, from the committee on corporations, reported favorably to the bill,

To incorporate the town of Ashland, in Clay county.

The bill was ordered to third reading.

By leave, Mr. Coleman introduced a bill,

To establish the fees of the county treasurer of Washington county ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on local legislation.

#### SPECIAL ORDER.

The special order for the hour of 12 o'clock, being the bill,

To regulate elections in this State ;

Its further consideration was postponed, and made the special order for 12 o'clock on Monday next.

By leave, Mr. Hewitt offered the following preamble and resolution :

Whereas, the Senate has misconstrued and perverted the purport and intent of the joint resolution introduced into this House, by the gentleman from Shelby, in relation to an investigation of the questions arising out of the Alabama and Chattanooga Railroad complications ; and whereas, said misconstruction of said resolution, if acquiesced in by this House, might be construed by the public as a tacit acknowledgment on the part of this House, that such was the intent and purport of said resolution ; therefore,

Be it resolved, That the construction placed upon said resolution by the majority of the Senate committee to whom it was referred, was a misconstruction of the intent and purpose

of the resolution, and was wholly unwarranted by the language of the resolution.

On motion of Mr. Oates—

The consideration of the preamble and resolution was postponed and made the special order for 11 o'clock on Monday next.

On motion of Mr. Greene,  
House adjourned until 10 o'clock Monday morning.

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## NINETEENTH DAY.

MONDAY, December 11, 1871

House met pursuant to adjournment.

Prayer by the Rev. Mr. Stringfellow.

The journal of Saturday was read and approved.

## CALL OF THE COUNTIES.

On motion of Mr. Lewis—

The call of the counties was suspended for the purpose of considering the bills—

To relieve and regulate the finances of the State.

To regulate elections in this State ;

And to allow the committee to report upon the bill

To secure the different counties of the State a proportional share of the public school fund.

The House proceeded to consider the bill,

To relieve and regulate the finances of the State ;

The question pending, being on the adoption of the amendment offered by Mr. Bradford.

On motion of Mr. Oates—

The amendment was laid on the table.

Yeas 65, nays 14.

Yeas—Messrs. Appleton, Benson, Black, Bradford, Bulger, Carlin, Clark, Clements, Coleman, Cowan, Craig, Curtis, Davis, Doster, Dozier, Drake, Duskin, Dustan, Gaskin, Gee, Graham, Grayson of Clarke, Gunn, Hamilton, Henderson, Hitchcock, Hodo, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, Kennedy, King, Knox, Lewis, Lindsay, Lowe, Lumpkin, McCall, McCaskey, Mancill, Miller, Murrah, Oates, Perrin, Rice, Sims, Smith of Greene, Smith of Sumter, Smith erman, Speake, Speed, St. Clair, Steele, Taylor of Lauder-

dale, Taylor of Winston, Thompson, Toomer, Toulmin, Tyler, Ware, White, Williams and Wyman—65.

Nays—Messrs. Speaker, Ashurst, Callaway, Boyd, Crook, Ellison, Etheridge, Henry, Holmes of Sumter, Leath, Payne, Raisler, Semmes and Smith of Choctaw.—14.

The bill was read a third time and passed.

Yeas 71, nays 12.

Yeas—Messrs. Speaker, Appleton, Ashurst, Benson, Black, Bradford, Bulger, Bullock, Callaway, Carlin, Clark, Clements, Coleman, Cowan, Craig, Curtis, Davis, Diggs, Doster, Dozier, Drake, Duskin, Dustan, Gaskin, Gee, Graham, Grayson of Clarke, Gunn, Hamilton, Henderson, Hitchcock, Hodo, Howell, Hurt, Johnson of Coosa, Kennedy, King, Knox, Leath, Lewis, Lindsay, Lowe, Lumpkin, McCall, McCaskey, Mancill, Marlow, Miller, Murrah, Oates, Perrin, Rice, Semmes, Sims, Smith of Greene, Smith of Sumter, Smitherman, Speake, Speed, St. Clair, Steele, Taylor of Lauderdale, Taylor of Winston, Thompson, Toomer, Toulmin, Tyler, Ware, White, Williams and Wyman—71.

Nays—Messrs. Boyd, Crook, Ellison, Etheridge, Green, Har- alson, Henry, Holmes of Sumter, Johnson of Dallas, Moore, Raisler and Smith of Choctaw—12.

The House next proceeded to consider the bill—

To regulate elections in this State.

Mr. Crook moved to amend by way of substitute ;

Which was adopted, and the bill ordered to be engrossed for a third reading to-morrow.

Mr. Wyman, from the committee on education, reported favorably to the bill—

To secure to the different counties of the State a proportional share of the public school money.

Mr. Moore moved to amend as follows:

“Provided, that this poll tax shall be a credit on the amount due each county as declared by the State superintendent of public instruction ;”

Which was laid on the table.

Mr. McCaskey moved to amend as follows:

Sec. 8. That the poll taxes of each township shall be used for the support of the schools of such township, and it shall be the duty of the tax collector to keep a record of the poll tax paid by each township in the county;”

Which was laid on the table ;

And the bill was ordered to be engrossed for a third reading.

Mr. Wyman, from the same committee, reported favorably ,  
to the bill—

To authorize the governor to issue a patent to A. A. Hewlett for 16th section, township 9, range 4 west, in Winston county ;

Was read three times, under a suspension of the constitutional rule, and passed.

Message from the Senate, by Mr. Whiting—

SENATE CHAMBER, December 11, 1871.

Mr. Speaker :

The Senate has passed House bills as follows ;

To amend section 2377 of the Revised Code.

To amend section 1282 of the Revised Code.

To authorize William H. Wood, administrator of the estate of Richard H. Wood, deceased, to sell the lands belonging to said estate at private sale.

To require the auditor to furnish the judge of probate of Choctaw county, a list of all lands sold for taxes since May 25, 1865, and purchased by the State.

For the relief of Emma Clark, a minor.

For the relief of the sureties on the official bond of Newton F. Smith, late tax collector of Greene county.

To authorize Mrs. Melissa Howle, widow of Thomas T. Howle, deceased, to sell certain lands therein described, and make title to the same.

To remove the guardianship of Bird and James Fitzpatrick to Pike county.

To repeal an act to consolidate the offices of tax collector and assessor in the county of Marion.

And amended, as therein shown, and passed House bills as follows :

To prohibit the sale of liquors in the town of Somerville, Morgan county, and within three miles thereof.

To prohibit the sale of spirituous liquors within one mile of Salem church, in Cherokee county.

To prevent the selling or giving away of liquors to any person who is reputed to be of unsound mind.

Requiring justices of the peace of Chambers county to act as apportioners and supervisors of public roads in their respective beats.

To secure justices of the peace and notaries public in their fees in certain cases.

The Senate has originated and passed a bill as follows :

To authorize the Governor to make a temporary loan, to pay the current expenses of the State.

M. P. BLUE, Secretary.

Mr. Rice, from the committee on enrolled bills, reported the following as correctly enrolled :

To incorporate the town of Guntersville in Marshall county.

To make James H. Crowder a citizen of Pike county, by changing the boundary line between Pike and Bullock counties.

To repeal an act to incorporate the town of Ozark, in Dale county, approved February 23, 1866.

To repeal an act to lay off the county of Dale into four commissioners districts, approved February 16, 1870.

To amend section 4 of an act to incorporate the town of Pickensville.

By leave, Mr. Oates offered the following resolution, which was adopted :

Resolved, That the special committee on the impeachment of Hon. John Elliott, judge of the 6th judicial circuit, are hereby authorized and empowered to employ a clerk and a sergeant-at-arms, to receive pay only while actually serving said committee.

The House proceeded to consider the special orders :

The first being the preamble and resolution of Mr. Hewitt, offered on Saturday ;

Which were postponed and made the special order for Thursday next, 12 o'clock, m.

The next special order, being the bill—

To repeal an act to facilitate the collection of municipal taxes and dues in the city of Mobile.

The question being on the passage of the bill,

It was lost.

The next special order, being the bill—

To repeal an act to increase the fees of public officers of Mobile county.

The question being on the passage of the bill ;

It was indefinitely postponed.

The next special order, being the bill—

To give additional powers to probate judges.

The question pending being on concurring in the adverse report of the committee,

Its further consideration was made the special order for to-morrow, 12 m.

The House proceeded to consider the bill, by sections—

To establish revenue laws for the State of Alabama.

Mr. Bulger moved to strike out the following words in section one :

"All poll taxes collected in the State shall be applied exclusively to educational purposes."

On motion of Mr. Dustan, the amendment was laid on the table.

The first and second sections were adopted severally.

Mr. Leath moved to strike out subdivision fifteen of section three, as follows :

"All lands donated by congress to railroads in this State remaining unsold and uncultivated ; Provided, this exemption shall cease whenever such lands are held at two dollars or more per acre;"

Which was carried.

Mr. Moore moved to strike out subdivision seventeen of section 3, as follows:

"All hogs, of whatever kind or description" ;

Which was lost.

Mr. Lewis moved to strike out the word " personal" in subdivision 9, line sixteen, of section 3, and add to said line, the words, " to be selected by the head of the family";

Which was lost.

Mr. Dustan moved to strike out subdivision 9, which is as follows :

" To every head of a family, personal property to the value of five hundred dollars."

On motion of Mr. Oates—

The amendment was laid on the table.

Mr. Bradford moved to amend by adding to the subdivision 9, the words " provided, the value of the estate does not exceed that amount";

Which was lost.

On motion of Mr. Oates—

The further consideration of the bill was postponed, and made the special order for to-morrow at 15 minutes past 10 o'clock.

On motion of Mr. Haralson—

The House adjourned until to-morrow morning 10 o'clock.



## TWENTIETH DAY.

TUESDAY, December 12, 1871.

House met pursuant to adjournment.

Prayer by Rev. Mr. Stringfellow.

The journal of yesterday was read and approved.

By leave, the following bills were introduced :

By Mr. Murrah—

To exempt the Columbus, Fayette and Decatur Railroad from taxation ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means.

Also, a joint memorial to Congress, asking for a grant of public lands to the Columbus, Fayette and Decatur Railroad ;

Which was adopted.

By Mr. Lindsay—

For the relief of John Kerley, of Monroe county ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on accounts and claims.

By Mr. Toulmin—

Relative to the bridge of the Mobile and Montgomery Railroad company, across Mobile river, a navigable stream of the State of Alabama ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Leath—

To authorize parties interested, to publish all notices required by law in any newspaper such party may designate, so far as relates to Cherokee and Limestone counties ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Lowe moved to amend, by inserting the county of " Madison" ;

Which was adopted.

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. Dustan—

The vote by which the bill to repeal an act to increase the fees of public officers of Mobile county, was indefinitely postponed ;

Was reconsidered.

On motion of Mr. Leath—

The consideration of the special order, it being the bill, To establish revenue laws for the State of Alabama, was postponed for the purpose of considering Senate messages.

Senate bills—

To authorize the resignation of guardians.

To prohibit the sale of spirituous liquors within two miles of the male academy, the Baptist and Methodist churches, in the town of Fayetteville, in Talladega county ;

Were severally read three times under a suspension of the constitutional rule, and passed.

Senate bill—

To change the county line between the counties of Randolph and Clay ;

Was read three times under a suspension of the constitutional rule, and passed by a constitutional majority of two-thirds of the House.

Message from the Senate, by Mr. Whiting:

SENATE CHAMBER,  
December 12, 1871. }

Mr. Speaker :

The Senate has originated and passed bills as follows :

To establish an election precinct in the county of Bibb, to be known as "Ashby."

For the relief of Solomon & Wolf, of Pike county.

For the relief of Wm. E. Halman, of KeKalb county,

To make Eliza Jane Starling of Cherokee county, a free dealer.

To repeal an act to incorporate the Society Hill high school.

For the relief of Henderson Murphree, and Henderson, of Pike county.

For the relief Mrs. Priscilla C. Jemison, widow of the late Robert Jemison, jr. of Tuscaloosa county.

And has adopted a joint resolution, herewith transmitted.

The Senate has originated and passed a bill as follows :

To allow the commissioners court of Covington county to levy a special tax for the purpose of paying off its indebtedness.

M. P. BLUE,  
Secretary.

Senate bills—

For the relief of the tax collector of Dallas county.

To authorize the Governor to make a temporary loan to pay the current expenses of the State.

For the relief of certain railroads in Alabama.

To refund to Barbour county certain amounts of money erroneously allowed from the county tax.

For the relief of Priscilla C. Jemison, widow of the late Robert Jemison, of Tuscaloosa county ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means.

The Senate bill—

To authorize Thomas M. Knight to erect a mill darn across the Warrior river ;

Which was read twice, under suspension of the constitutional rule, and referred to the committee on public roads and highways.

The Senate bill—

To make Mary Eliza Hayes, of Limestone county, and Mrs. Elizabeth L. Bennett, of Talladega county, free-dealers.

To make Elizabeth Jane Starling, of Cherokee county, a free-dealer ;

Which were severally read twice, under a suspension of the constitutional rule, and laid on the table.

The Senate bill—

To direct how a certain judgment, recovered by township 6, range 10, when collected, shall be paid ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on education.

The Senate bill—

To authorize the governor to subscribe for a map of Alabama ;

Was read twice, under a suspension of the constitutional rule.

Mr. Hewitt moved to amend section one, by striking out " two hundred " and inserting " sixty-eight."

Mr. Bulger moved to lay the amendment on the table ;

Which was lost.

The amendment was adopted, and on motion of Mr. Wyman, the bill was referred to a special committee of three, as follows :

Messrs. Wyman, Smith of Choctaw and Black.

The House concurred in the amendments made by the Senate to the following bills—

Requiring justices of the peace of Chambers county to act as apportioners and supervisors of public roads in their respective beats.

To incorporate the Bluff City Hook and Ladder company of the city of Eufaula.

To secure justices of the peace and notaries public in their fees in certain cases.

To prohibit the sale of liquors within one mile of Salem church, in Cherokee county.

To prohibit the sale of liquors in the town of Somerville, Morgan county, and within three miles thereof.

To prevent the sale of liquors to any person who is, or is reputed to be of unsound mind.

The House refused to concur in the amendment of the Senate to the bill—

To amend section 1 of "an act to enable the commissioners courts of St. Clair, Walker and Choctaw counties to erect bridges and have public buildings repaired, and to make the same preferred claims against said counties," approved February 7, 1871.

The Senate bills—

To establish an election precinct in the county of Bibb, to be known as Ashby.

To repeal an act to incorporate the Society Hill High school ;

Were severally read twice, under a suspension of the constitutional rule, and referred to the committee on local legislation.

The Senate bill for the relief of Henderson, Murphree & Henderson of Pike county ;

Was read three times, under a suspension of the constitutional rule, and passed.

The Senate bill—

For the relief of Solomon & Woolf of Pike county ;

Was read twice, under a suspension of the constitutional rule, and referred to a special committee of three, as follows :

Messrs. Powell, Mancill and Callaway.

The Senate bill—

For the relief of William E. Holman of DeKalb county ;

Was read twice, under a suspension of the constitutional rule.

Sundry amendments were proposed to insert the names of persons who are minors ;

When, on motion of Mr. Oates, the bill was referred to a special committee of five, with instructions to report a general bill to give some court jurisdiction to relieve minors of disabilities of non-age in all proper cases.

The committee are Messrs. Oates, Crook, Steele, Grayson of Clark and Doster.

Mr. Powell, from the committee on enrolled bills, reported the following as correctly enrolled :

For the relief of the sureties on the official bond of Newton F. Smith, late tax collector of Greene county.

To authorize Mrs. Melissa Howle, widow of Thomas Howle, deceased, to sell certain land therein described.

To amend section 1282 of the Revised Code.

To authorize Wm. H. Wood, administrator of the estate of Richard Wood, deceased, to sell lands belonging to said estate at private sale.

To require the auditor to furnish the judge of probate of Choctaw county, a list of land sold for taxes since May 25th 1865, and purchased by the State.

To repeal an act to consolidate the offices of tax collector and tax assessor in the county of Marion.

To amend section 2377 of the Revised Code.

To remove the guardianship of Bird and James Fitzpatrick to Pike county.

For the relief of Emma Clark, a minor.

By leave, Mr. Semmes offered the following resolution :

Resolved, That two-thirds of both houses concurring, the present session of this General Assembly be, and the same is hereby extended, so that the same may continue for more than thirty days, and so long as both houses may think proper for the transaction of business ;

The consideration of which was made the special order for to-morrow 12 o'clock.

The following message from the Senate, by Mr. Whiting, was received :

SENATE CHAMBER,  
December 12, 1871. }

Mr. Speaker :

The Senate has originated and passed bill—

To encourage investments of money within this State by life insurance companies of other or foreign States.

M. P. BLUE,  
Secretary.

To incorporate the town of Ashland, in Clay county.

To restrict the sale of personal property in certain cases.

To amend an act to regulate elections in this State.

To secure to the different counties of the State a proportional share of the public school money ;

Which were severally read a third time and passed.

The Senate bill—

To allow the commissioners court of Covington county to levy a special tax for the purpose of paying off its indebtedness ;

" Was read once, and on motion of Mr. Mancill, its further consideration indefinitely postponed.

By leave, the following bills were introduced ;

By Mr. McCall—

To establish a criminal court for the county of Bullock, with criminal and civil jurisdiction ;

Which was read twice, under suspension of the constitutional rule, and referred to a special committee of five, as follows :

Messrs. Bradford, Boyd, Powell, Duskin and McCall.

Also, a bill—

To abolish the county court of Bullock county;

Which was read twice, under a suspension of the constitutional rule, and referred to the special committee of five last above named.

By Mr. Speake—

A bill to authorize Simpson & Baker, owners of a steam mill in Lawrence county, to take one-seventh as toll or compensation for services rendered ;

Which was read three times, under a suspension of the constitutional rule, and passed.

By Mr. Hewitt—

A bill to enable any elector to contest the election of certain officers therein mentioned ;

Which was read twice, under a suspension of the constitutional rule, and referred to a special committee of five, as follows, to-wit:

Messrs. Hewitt, Bullock, Hodo, Carmichael, and Knox.

## REPORTS FROM COMMITTEES.

By leave, the following reports from committees were made:

By Mr. Moore, from the committee on local legislation, favorably to the bill—

To authorize the court of county commissioners of Autauga county to borrow money and issue bonds of the county for the same.

By Mr. Lewis, from the committee on corporations, reported favorably to the bill—

To incorporate the town of Seale, in the county of Russell.

Mr. Smith of Choctaw, from a special committee, reported favorably to the bill—

To authorize Mrs. Martha Ferrell, administratrix, to sell certain property at private sale ;

All of which were severally read a third time, under a suspension of the constitutional rule, and passed.

Mr. Bradford, from the committee on, the revision of the laws, reported favorably to the bill—

To repeal section 1401 of the Revised Code, with an amendment, as follows : " insert sections 1407, 1408 and 1409."

The amendment was adopted and the bill read a third time, under a suspension of the constitutional rule, and passed.

## SPECIAL ORDER.

The House proceeded to the consideration of the special order for 12 m. to-day, it being the bill—

To give additional powers to judges of probate.

The question pending being on concurring in the adverse report of the committee, the report was not concurred in and the bill was read a third time, under a suspension of the constitutional rule, and passed.

Message from the governor, by his private secretary, Mr. Gindrat :

Mr. Speaker

The governor has approved the following bills, originating in the House of Representatives:

To repeal an act to lay off the county of Dale into four commissioners districts, approved February 16, 1867.

To repeal an act to incorporate the town of Ozark, in Dale county, approved February 23, 1866.

To make James H. Crowder a citizen of Pike county, by changing the boundary line between Pike and Bullock counties.

To prevent gambling within two miles of Mulberry College in Blount county.

To amend section 3306 of the Revised Code.

To repeal section three of an act to reorganize and establish the municipal government of the city of Mobile, approved July 18, 1868.

To provide for the collection and distribution of fines and forfeitures in the counties of Clay and Coosa.

To give force and validity to the proceedings of the Mobile & Northwestern Railroad Company.

To authorize the governor to issue a patent to D. D. Gibson and John N. Bibb, administrators of the estate of James M. Freeman, deceased.

To allow John J. Delchamps of Mobile county to cut a canal and to collect toll thereon.

To amend section four of an act to incorporate the town of Pickensville.

To incorporate the town of Guntersville in the county of Marshall.

#### SPECIAL ORDER.

The special order, being the bill—

To establish revenue laws for the State of Alabama, pending at adjournment on yesterday,

Mr. Howell moved to amend subdivision 9 of section 3, by inserting after the words "head of a family" the words, "and administrator or guardian of ward or wards ;"

Which was adopted.

Mr. Semmes moved to amend subdivision 13. Between the words, "and his family" insert the words " that of ;"

Which was adopted

Mr. Doster moved to amend subdivision 16, by striking out the words "one year" and inserting " two years ;"

Which was adopted.

Mr. Cowan moved to strike out the word " personal," in subdivision 9;

Which was adopted.

Yeas 62, nays 19.



Yeas—Messrs. Speaker, Alley, Appleton, Ashurst, Black, Boyd, Bulger, Bullock, Callaway, Carlin, Clark, Coleman, Cowan, Craig, Crook, Curtis, Davis, Diggs, Dozier, Drake, Duskin, Dustan, Ellison, Etheridge, Gaskin, Graham, Grayson of Madison, Hamilton, Haralson, Henderson, Hitchcock, Howell, Hurt, Johnson of Coosa, Jonson of Dallas, King, Knox, Leath, Lewis, Lindsay, Lumpkin, McCall, Miller, Payne, Perrin, Powell, Raisler, Rice, Sims, Smitherman, Speed, St. Clair, Strauss, Taylor of Winston, Thompson, Toomer, Toulmin, Tyler, Ware, White and Williams—62.

Nays—Messrs. Benson, Carmichael, Clements, Doster, Gee, Grayson of Clarke, Henry, Hewitt, Holmes of Sumter, Lowe, Marlowe, Murrah, Nininger, Semmes, Sims, Smith of Choctaw, Smith of Greene, Smith of Sumter, Speake and Steele—19.

Mr. Hewitt moved to strike out subdivisions 3, 9, 12, 13, 14, 16 and 17;

Which was laid on the table.

Mr. Doster moved to strike out "five" in subdivision 9, and insert "two ;"

Which was laid on the table.

Mr. Bulger moved to strike out the word "public" before the word "school" in subdivision 4, and add at the end of said subdivision the following, "provided they are not rented property;"

Which was adopted.

Mr. Toomer moved to insert after the word "grounds" in subdivision 4, the words "used exclusively for school purposes."

Mr. Henry moved to add to subdivision 17, the following words, "not exceeding twenty-five in number ;"

Which was laid on the table.

Mr. Hitchcock moved to add to subdivision 17, the words "not over six months old;"

Which was laid on the table.

Mr. White moved to strike out the word "five" in subdivision 9, and insert the word "three;"

Which was lost.

Mr. Dustan moved to strike out all of section 3 ;

Which was lost.

Yeas 14, nays 68.

Yeas—Messrs. Bullock, Clements, Coleman, Drake, Dustan, Ellison, Hamilton, Hewitt, Lewis, Lindsay, Lowe, Miller, Nininger and Strauss—14.

Nays—Messrs. Speaker, Alley, Appleton, Ashurst, Benson,

Black, Boyd, Bulger, Callaway, Carlin, Carmichael, Clark, Cowan, Craig, Crook, Curtis, Davis, Diggs, Doster, Dozier, Duskin, Etheridge, Gaskin, Gee, Graham, Grayson of Clarke, Grayson of Madison, Haralson, Henderson, Henry, Hitchcock, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, King, Knox, Leath, Lumpkin, McCall, Mancill, Marlowe, Moore, Murrah, Payne, Perrin, Powell, Raisler, Rice Semmes, Sims, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, Speed, St. Clair, Steele, Taylor of Winston, Thompson, Toomer, Toulmin, Tyler, Ware, White and Williams—68.

On motion of Mr. Dustan—

The House adjourned until to-morrow morning 10 o'clock.

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TWENTY-FIRST DAY.

WEDNESDAY, December 13, 1871.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Stringfellow.

The journal of yesterday was read and approved.

Mr. Bulger moved to suspend the call of the counties to consider the bill—

To establish revenue laws for the State ;

Which was lost.

Upon the call of the counties, the following bills were introduced :

By Mr. Raisler—

A bill to authorize and empower the commissioners court of Limestone county to build a bridge over Elk river, in said county ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Lowe—

A bill to repeal an act to regulate the publication of legal and other notices in the State of Alabama, and the several amendments thereto, so far as the same relate to such publications within the county of Madison ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Also, a bill to regulate the courts of the northern chancery

division, so as to allow cases to be submitted for final hearing in vacation ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Dustan—

A bill to prohibit illegal voting in this State ;

Which were severally read twice, under a suspension of the constitutional rule.

Mr. Semmes moved to amend as follows :

Sec. 4. Be it further enacted, That at any election held in this State, any elector may challenge the vote of any person offering to vote, and upon its being made apparent to the inspectors of election that such challenged voter is not entitled to vote, then his ballot shall be rejected.

On motion of Mr. Oates, the bill was referred to a joint committee of five from the House and four from the Senate.

The committee on the part of the House are Messrs. Lowe, Smitherman, Semmes, Dustan and Sims.

Message from the Senate, by Mr. Whiting :

SENATE CHAMBER,  
December 13, 1871.}

Mr. Speaker :

The Senate has passed House bills as follows:

For the payment of certain claims out of the general county fund.

For the benefit of Stella Crandall of Calhoun county.

To confer on John T. Rather and Silas P. Rather, administrator of Edward N. Thompson, deceased, authority to compromise a suit.

For the relief of Mason Harwell and Edgar J. Lee, surviving partners of H. P. Lee & Co. of the city of Montgomery.

To limit the commissioners court of Sumter county in their power to assess taxes.

To regulate the chancery courts in the 5th district of the southern chancery division.

To authorize James O. Adkins of Butler county to erect gates across the public road leading from Greenville to Cahaba.

To extend the time within which the Bienville Water Works Company of Mobile may commence and construct their water works without forfeitures.

To prevent the sale of liquors within two miles of the Male and Female Academy in the town of Isney, Choctaw county.

To provide for administering the securities held by the State from the Security Insurance Company of New York, the Yonkers & New York Fire Insurance Company, the North American Fire Insurance Company, the Manhattan Fire Insurance Company, the Lorillard Fire Insurance Company, the Aetna Fire Insurance Company of New York, the United States Fire & Marine Insurance Company of Baltimore and the Home Insurance Company of New York, and from all other insurance companies from whom the State now holds or may hereafter hold such securities.

The Senate has originated and passed the following bills:

To amend sections 1 and 2 of an act to incorporate the town of Clayton in Barbour county, approved Dec. 21, 1841.

To authorize and require the tax collector of Etowah county to receive the general county tax in county claims, except the tax for special purposes.

For the relief of certain guards summoned by Solomon E. Jordan, sheriff of Randolph county, for purposes therein named.

To re-enact and put in force an act to repeal in part an act to incorporate the Girard Railroad Company, approved January 21, 1846.

To authorize Dr. L. B. Parker of Coosa county to sell at private sale certain lands therein described, and make titles to the same.

For the relief of J. W. Veasy of Macon county, and Ann Eliza Shelton and Samuel H. Hardwick of Montgomery county, T. Jane Cook of Wilcox county and S. D. Pitts of Bibb county.

To make appropriations for the fiscal year ending 30th September, 1872.

To amend an act to regulate the time for holding courts in the several judicial circuits.

M. P. BLUE,  
Secretary.

#### ENROLLED BILLS.

Mr. Powell, from the committee on enrolled bills, reported the following as correctly enrolled :

To prohibit the sale of liquors in the town of Somerville in Morgan county, and within three miles thereof.

Requiring the justices of the peace of Chambers and Cleburne counties to act as apportioners and supervisors of public roads in their respective beats.

To incorporate the Bluff City Hook & Ladder Company of the city of Eufaula.

To secure justices of the peace and notaries public in their fees in certain cases.

To prohibit the sale of liquors within one mile of Salem church, in Cherokee county.

To prevent the sale of liquors to any person who is, or is reputed to be, of unsound mind.

To provide for administering the securities of certain insurance companies from whom the State now holds, or may hereafter hold, such securities.

For the relief of Mason Harwell and Edgar J. Lee, surviving partners of H. P. Lee & Co. of Montgomery.

By Mr. Hewitt, from the special committee, to which was referred,

Joint resolutions proposing certain amendments to the constitution ;

Reported a substitute therefor.

Mr. Henderson moved to amend, by adding the following section:

"That one-fifth of the aggregate annual revenue of the State shall be devoted exclusively to the maintenance of public schools."

#### SPECIAL ORDER.

Pending the consideration of which, the hour of 12 o'clock arrived, when the House proceeded to consider the special order for that hour,

It being the resolution offered by Mr. Semmes on yesterday, extending the session beyond the constitutional limit of thirty days.

Mr. Boyd moved to amend, by additional resolution, as follows :

Resolved, That said session shall not be extended beyond thirty days.

Mr. Dustan moved to lay it on the table;

Which was lost.

Mr. Lewis moved to lay the resolution on the table ;

Which was lost.

Yeas 33, nays 61.

Yeas—Messrs. Bradford, Bullock, Bulger, Callaway, Clements, Crook, Doster, Drake, Etheridge, Grayson of Clark, Hamilton, Hodo, Holmes of Sumter, Johnson of Coosa, Kennedy, Lewis Lindsay, Lumpkin, McCall, Mancill, Mooring, Powell, Raisler, Smith of Choctaw, Smith of Sumter, Smitherman, Speake, Steele, Taylor of Lauderdale, Toomer, Wells, White and Wyman—33.

Nays—Messrs. Speaker, Appleton, Alley, Ashurst, Benson, Black, Box, Boyd, Carlin, Carmichael, Clark, Cochran, Coleman, Cowan, Craig, Curtis, Davis, Diggs, Dozier, Duskin, Dustan, Ellison, Gaskin, Gee, Graham, Grayson of Madison, Green, Gunn, Henderson, Henry, Hewitt, Hitchcock, Howell, Hurt, Johnson of Dallas, King, Knox, Leath, Lowe, McCaskey, McDermott, Marlowe, Miller, Moore, Murrah, Oates, Payne, Perrin, Rice, Semmes, Sims, Smith of Greene, Speed, St. Clair, Strauss, Taylor of Winston, Thompson, Toulmin, Tyler, Ware and Williams—61.

On motion of Mr. Oates,

The House adjourned until to-morrow morning 10 o'clock.

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## TWENTY-SECOND DAY.

THURSDAY, December 14, 1871.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Stringfellow.

The journal of yesterday was read and approved.

## CALL OF THE COUNTIES.

Upon the call of the counties, the following bills were introduced :

By Mr. Hamilton—

To prohibit the sale of liquors within 3 miles of the Methodist church at Moscow, in Sanford county.

By Mr. Toulmin—

To establish a board of commissioners of roads in the county of Mobile, and to prescribe the duties thereof.

Also,

To repeal an act in regard to roads, bridges and ferries, in the county of Mobile.

Also,

To remove the administration of the estate of Sydenham Moore, deceased, from the probate court of Greene county, to the probate court of Mobile.

Also,

To authorize the corporate authorities of the city of Mobile, to establish and maintain public parks within the limits of said city.

By Mr. King—

To prohibit the sale of liquors within one mile of the railroad depot at Hurtville, in the county of Russell.

By Mr. Henry—

To establish a city court in the county of Lee, with criminal and civil jurisdiction.

By Mr. Lewis—

To authorize Amos M. Elliott, administrator de bonis non, of the estate of James Cobb, deceased, late of Shelby county, to sell the lands of said estate.

By Mr. Smith of Sumter—

To repeal an act to consolidate the funds of fines and forfeitures, and general fund of the county of Sumter.

Also—

For the relief of Bedford J. Hamilton, a blind minister, and his minor son, Alexander, Hamilton, formerly of the county of Sumter.

By Mr. Holmes of Sumter—

To repeal an act to regulate the publication of legal and other notices in the State of Alabama, approved August 12, 1868 ; and also, to amend said act, approved October 10, 1868, so far as they relate to certain counties.

By Mr. Bulger—

To repeal an act to regulate the publication of legal notices in the county of Blount, Talladega, Clay, Coosa and Tallapoosa, approved March 8, 1871 ; and an act to amend said act, approved October 10, 1868, so far as they relate to the county of Tallapoosa ;

Also,

To amend section 10 of an act to incorporate the town of Dadeville, in the county of Tallapoosa.

Also,

To authorize Mathew D. Moore and Bell Taylor, guardians of the estate of Margaret Taylor, a lunatic, to sell the personal property of said estate at private sale.

By Mr. Wyman—

For the relief of Mrs. Sarah A. Martin, widow of the late Joshua L. Martin.

By Mr. Doster—

To prohibit the retailing of liquors within two miles of the Methodist Episcopal church at Robinson Spring's, in the county of Elmore.

By Mr. Black—

To prohibit the sale of spirituous liquors within three miles of Ramah church, in Barbour county.

By Mr. Payne—

To repeal an act to suppress murder, lynching and assaults and batteries, approved December 28, 1868, so far as the same relates to the county of Blount.

By Mr. Powell—

To authorize John Randolph, of Butler county, to erect gates across public road leading from Greenville to Mount Willing.

Also,

To prevent the sale of liquors within one mile of Damascus church, in Butler county.

By Mr. Carmichael—

To furnish a tract book for the county of Dale.

By Mr. Kennedy, (with petition)—

To amend an act to incorporate Hale and Murdock Iron Works, in Fayette county.

By Mr. Hurt—

To allow parties making publications in newspapers as required by law, to publish in any paper such party may designate, so far as applies to the county of Jackson.

By Mr. Mancill—

To regulate the collection and paying out of the taxes of Covington county.

All of which were severally read three times, under a suspension of the constitutional rule, and passed.

By Mr. Bulger—

To change the line between the counties of Tallapoosa and Lee.

By Mr. McCall—

To change the line between the counties of Bullock and Barbour ;

Which was read three times, under a suspension of the constitutional rule, and passed by the constitutional majority of two-thirds.



By Mr. Smith of Choctaw—

To authorize the sheriff of Choctaw county to sell real or personal property on any Monday in any month, after giving the notice required by law ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Hewitt moved to amend by inserting Jefferson county ;

Which was lost.

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

By Mr. Speake—

To secure to the citizen the right to be sued in the county of his residence, in certain cases.

By Mr. Toulmin—

To amend section 1084 of the Revised Code.

By Mr. Thompson—

To amend section 3996 of the Revised Code.

To authorize the appointment of a deputy surveyor.

By Mr. Smith of Choctaw—

To amend section 2 of an act to regulate the publication of legal notices in the State of Alabama, approved October 10, 1868.

By Mr. Bradford—

To allow prosecutos to have counsel in criminal cases who shall be leading counsel in such cases.

Also,

To authorize Harriet Billingslea to administer upon the estate of Robert J. Glenn.

By Mr. McCaskey—

For the relief of laborers.

By Mr. Carmichael—

To amend section 2562 of the Revised Code.

By Mr. Hurt—

To repeal section 73 of the Revised Code.

Which were severally read twice under a suspension of the constitutional rule, and referred to the committee on the revision of the laws.

Mr. Smith of Sumter—

To define and regulate property exempted from sale under legal process or administration for the payment of debts.

By Mr. Semmes—

For the better protection of human life.

Also,

To protect life insurance companies in certain cases.

Also,

For the relief of Young C. Hall, administrator of the estate of Charles Hall, deceased, in the county of Baldwin.

By Mr. Smith of Sumter—

To relieve the administratrix of A. E. Brockway, deceased, of Sumter county.

By Mr. Black—

To define and regulate the mode of punishment of criminal offenses in the State of Alabama.

By Mr. Powell—

To prevent fraud in obtaining supplies, and for other purposes.

By Mr. Cochran—

To carry into effect section 5 of article 13 of the constitution, and to provide modes of procedure for the same.

By Mr. Appleton—

To fix the times of holding the courts in the fifth judicial circuit.

By Mr. Nininger—

To amend section 1350 of the Revised Code ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Oates—

To provide for collecting the interest on bonds subscribed by counties, cities and towns, in aid of internal improvements ;

Which was read twice under a suspension of the constitutional rule.

Mr. Moore moved to amend so as to except the county of Coffee from the operations of the bill.

Mr. Bulger moved to lay the bill on the table ;

Which was lost, and the bill was referred to the committee on the judiciary.

By Mr. Semmes—

For the relief of the city hospital of Mobile.

By Mr. Thompson—

To regulate the fees of jurors and witnesses of the county of Montgomery.

By Mr. Smith of Sumter—

To repeal an act authorizing the commissioners court of Sumter county to levy an additional tax for county purposes.

By Mr. Johnson of Coosa, (with petition)—

To authorize Williamson Spears, of the county of Coosa, to peddle without license.

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means.

By Mr. Toulmin—

Relative to the election of officers of the city of Mobile.

By Mr. Gunn—

For the relief of Mrs. Nancy Barton, wife of William S. Barton.

By Mr. Doster—

To relieve John D. Cooper, of Autauga county, from the disabilities of minority.

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. Toulmin—

In relation to asylums and other charitable institutions in this State.

By Mr. Marlowe—

To amend an act to incorporate the Rock and Lignite Oil Company of Alabama ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on corporations.

By Mr. McDermott—

For the relief of maimed officers and soldiers who belonged to military organizations and served in the armies of this State during the war.

By Mr. Powell—

To fund the outstanding debt of Lowndes county, and for other purposes ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on finance.

By Mr. Bradford—

To require the Governor to make titles to Thomas J. Morrison to certain sixteenth section land ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on education.

By Mr. McCall—

To change the boundary line between the counties of Bullock and Russell ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on county and county boundaries.

By Mr. Benson—

To amend section 3813 of the Revised Code ;

Also,

To appropriate money, in a certain contingency, for the penitentiary ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on the penitentiary.

By Mr. White—

Requiring justices of the peace in Clay county to act as apportioners and supervisors of public roads in Clay county ;

Which was read twice under a suspension of the constitutional rule, and referred to the committee on public roads and highways.

By Mr. Bullock—

To amend an act to amend section 2961 of the Revised Code, approved March 8, 1871;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on agriculture.

By Mr. Oates—

To aid the construction of a railroad from Decatur, in Morgan county, in this State, to Aberdeen, in the State of Mississippi ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Alley—

For the relief of A. L. Brooks and Graham & Abercrombie ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on accounts and claims.

By Mr. Bradford—

For the relief of the Alabama institution for the deaf and dumb and the blind ;

Which was read twice, under a suspension of the constitutional rule, and referred to a special committee of five, as follows: Messrs. Bradford, Boyd, Knox, Gilchrist, and Smith of Choctaw.

By Mr. Dustan—

To amend an act to establish the Canebrake Agricultural District, to provide for securing of the same, and the management of its offices ;

Which was read twice, under a suspension of the constitutional rule, and referred to a special committee of three, as follows : Messrs. Duskin, Bullock and Carmichael.

Mr. Dustan offered the following resolution :

Resolved, That the clerk of the House is authorized to have bound, for the use of members of the House, two hundred copies of the Governor's message and all State documents accompanying, except the report of the commissioners to examine State offices, including auditor and treasurer's reports, to be paid for upon his certificate that the work is done ;

Which was read and referred to the committee on public printing.

Mr. Bradford, from the special committee to which was referred the bills—

To establish a criminal court of Bullock, with civil and criminal jurisdiction ;

To abolish the county court of Bullock county ;

Reported favorably thereto ;

Which were severally read a third time, under a suspension of the constitutional rule, and passed.

By Mr. Ashurst—

To require the auditor to draw his warrant in favor of certain parties in Etowah county who have paid into the State treasury moneys on license tax illegally assessed.

The bill was amended by inserting the counties of Jackson, Randolph, Dale, Covington, Clay, Madison and Marshall.

Mr. Speake moved to amend by striking out all the counties, so as to make it applicable to all the counties of the State ;

Which was adopted ; and the bill was laid on the table.

The following message was received from the Governor, through Mr. Chardavoyne :

EXECUTIVE DEPARTMENT,  
MONTGOMERY, December 14, 1871. }

Gentlemen of the Senate  
and House of Representatives:

I feel it to be my duty to inform the general assembly that I construe the act " to provide for the payment of the interest due and unpaid upon the valid claims against the State on account of the failure of the Alabama and Chattanooga railroad company to pay said interest," to be continuing in its operation ; and under its provisions I feel it to be incumbent upon me to provide, if possible, for the payment of the interest due on the 1st of January, 1872.

If I misinterpret the letter and intent of said act, it be-

hooves the general assembly at once to repeal it altogether, or interpret it by legislative enactment,

This matter should be no longer permitted to remain in doubt.

The good name of the State demands immediate and unequivocal determination of this matter.

ROBT. B. LINDSAY.

The message was referred to the committee on the judiciary.

By leave, Mr. Boyd offered the following resolution :

Resolved, That it is the sense of this House, that any further payment of interest on bonds issued by the State in aid of the Alabama and Chattanooga railroad, or on bonds of said railroad endorsed by the State, is unwise and impolitic, and that there should be a searching and thorough investigation of the entire subject matter as a condition precedent to the payment of any claims presented to the authority of the State government for payment.

2. Resolved, That a copy of this resolution be transmitted to his excellency the governor as an expression of the opinion of this House on this grave subject.

Mr. Lewis offered the following as a substitute therefor :

Resolved by the General Assembly, That the payment of July interest on the bonds loaned and endorsed to the Alabama and Chattanooga railroad company by the State was not authorized by law ; and that the governor of this State shall abstain from any further payment of interest on said bonds, until the legal liability of the State has been judicially ascertained by courts of competent jurisdiction.

Pending the consideration of which, the hour of 12 o'clock arrived, when Mr. Speaker announced that the consideration of the general orders was next in order.

Mr. Boyd moved to suspend the consideration of the orders of the day to dispose of the resolution before the House ;

Which was lost.

On motion of Mr. Lowe, the House proceeded to consideration of the—

Joint resolution prolonging the session of this General Assembly beyond the constitutional period of thirty days.

The question pending being on the adoption of the amendment of Mr. Boyd as follows :

" Provided the continued session shall not extend beyond thirty days ;"

The amendment was adopted, and the resolution as amended was adopted.

Yeas 66, nays 29,

Yeas—Messrs. Speaker, Alley, Appleton, Ashurst, Benson, Box, Boyd, Carlin, Carmichael, Clark, Cochran, Cowan, Craig, Crook, Curtis, Davis, Diggs, Doster, Dozier, Duskin, Dustan, Ellison, Gaskin, Gilchrist, Gee, Graham, Grayson of Madison, Gunn, Henderson, Henry, Hewitt, Hitchcock, Howell, Hurt, Johnson of Dallas, King, Knox, Leath, Lowe, Lumpkin, McCaskey, McDermott, Marlowe, Miller, Moore, Murrah, Nininger, Oates, Payne, Perrin, Raisler, Rice, Semmes, Sims, Smith of Greene, Speed, St. Clair, Strauss, Taylor of Lauderdale, Taylor of Winston, Thompson, Toulmin, Tyler, Ware, Wells and Williams—66.

Nays—Messrs. Black, Bradford, Bulger, Bullock, Calloway, Clements, Drake, Etheridge, Grayson of Clark, Greene, Hamilton, Hodo, Holmes of Sumter, Johnson of Coosa, Kennedy, Lewis, Lindsay, McCall, Mancill, Mooring, Powell, Smith of Choctaw, Smith of Sumter, Smitherman, Speake, Steele, Toomer, White and Wyman—29.

By leave, Mr. Powell offered the following resolutions, which were adopted :

Resolved, (the Senate concurring), That a joint committee of five be appointed, three on the part of the House, and two on the part of the Senate, to report the best way to prorate or dispose of the donation made by Congress to a mechanical and agricultural college in this State.

2. Resolved, That said committee is authorized, if in their judgment they think proper, to report by bill or otherwise, as to such disposal consistent with the interest of both the whites and blacks in this State, and in accordance with the full intention of Congress making the same.

The committee on the part of the House are Messrs. Powell, Bulger and Calloway.

#### ENROLLED BILLS.

Mr. Powell, from the committee on enrolled bills, reported the following correctly enrolled :

To confer on John T. Rather and Silas P. Rather, administrators of Edward M. Thompson, deceased, authority to compromise a suit.

For the payment of certain claims out of the general county fund.

For the benefit of Stella Crandall of Calhoun county.

To authorize James O. Atkins of Butler county to erect gates across the public road leading from Greenville to Cahaba.

To extend the time within which the Bienville water works company of Mobile may commence and construct their water works, without forfeiture.

To limit the commissioners court of the county of Sumter in their powers to assess taxes.

To regulate the chancery court of the 5th district of the southern chancery division.

To prevent the sale of liquors within two miles of the male and female academy, in the town of Isney, Choctaw county.

On motion of Mr. Henry, the Senate bill—

To re-enact and put in force an act to repeal in part an act to incorporate the Girard railroad company, approved January 21st, 1846, was taken from the general orders ;

And was read three times, under a suspension of the constitutional rule, and passed.

#### CALL OF THE COUNTIES.

The call of the counties having been resumed, a bill was introduced by Mr. Toomer—

To provide for the enrollment and organization of the militia of the State, and to amend an ordinance for the organization of the volunteer militia ;

Which was read a first time.

Mr. Bulger moved to lay the bill on the table, and print 150 copies.

On motion of Mr. —, the further consideration of the bill was made the special order for Monday next 12 o'clock, m.

On motion, leave of absence was granted to Mr. Haralson and Mr. Payne.

The House proceeded to the consideration of the bill—

To establish revenue laws for the State of Alabama, the 3d section being under consideration.

Mr. McCaskey moved to amend subdivision 3 by adding thereto the following words, "and of any county, city or town of this State ;"

Which, on motion of Mr. Oates, was laid on the table.



Mr. Boyd moved to amend same subdivision by striking out the words "and this State ;"

Which, on motion of Mr. Oates, was laid on the table.

Yeas 48, nays 37.

Yeas—Messrs. Bullock, Carmichael, Clements, Cochran, Craig, Davis, Doster, Duskin, Gaskin, Gee, Gilchrist, Green, Henderson, Johnson of Dallas, King, Knox, Lewis, Lindsay, McCaskey, McDermott, Mancill, Marlowe, Moore, Mooring, Murrah, Oates, Perrin, Powell, Rice, Semmes, Sims, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, Speed, St. Clair, Strauss, Taylor of Winston, Thompson, Toomer, Toulmin, Tyler, Wells, White, Williams and Wyman—48.

Nays—Messrs. Speaker, Alley, Appleton, Ashurst, Box, Boyd, Bradford, Bulger, Callaway, Clark, Cowan, Crook, Curtis, Dozier, Ellison, Etheridge, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Henry, Hewitt, Hitchcock, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lumpkin, McCall, Miller, Nininger, Payne, Raisler, Taylor of Lauderdale and Ware—37.

Mr. Semmes moved to amend subdivision 5 by striking out the word "exclusively," and inserting the words " the principle object of which is ;"

Which, on motion of Mr. Toomer, was laid on the table.

On motion of Mr. Duskin—

The House adjourned until to-morrow morning 10 o'clock.

## TWENTY-THIRD DAY.

FRIDAY, December 15, 1871.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Stringfellow.

The journal of yesterday was read and approved.

## INTRODUCTION OF BILLS.

The following bills were introduced :

By Mr. Taylor of Lauderdale—

To establish an agricultural and mechanical college at Florence ;

Which was read twice, under a suspension of the constitutional rule, and referred to a special committee of one from each judicial circuit.

By Mr. Coleman—

To change the terms of the commissioners court of Washington county ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Also,

For the relief of Thomas H. Bailey, of Washington county ;

Which was read twice, under suspension of the constitutional rule, and referred to the committee on local legislation.

#### JUDICIARY.

By leave, Mr. Toulmin, from the committee on the judiciary, reported favorably to the bill—

To establish a uniform court of record for the county of Wilcox, with criminal and civil jurisdiction.

Also, to the bill—

To establish an inferior court of record in the town of Courtland.

#### ACCOUNTS AND CLAIMS.

Mr. Grayson of Clark, also by leave, from the committee on accounts and claims, favorably to the bill—

For the relief of J. B. Johns, of Montgomery.

Which were severally read a third time, under a suspension of the constitutional rule, and passed.

Message from the Senate, by Mr. Whiting :

SENATE CHAMBER,  
December 15, 1871. }

Mr. Speaker :

The Senate has passed House bills as follows :

To authorize and require the mayor and council of the town of Union Springs to levy and collect a tax to pay the bonds issued by the corporate authorities of said town.

To authorize the court of county commissioners of Pickens, county to levy a special tax.

For the relief of W. G. Mustin, tax collector of Pickens county.

And has amended, as therein shown, and passed the House bill—

To authorize the governor to issue a patent to A. A. Hewlett for sixteenth section, township nine, range four, west, in Winston county.

The Senate has originated and passed bills as follows :

To provide for the completion of the Alabama tract books in the office of the secretary of State.

To prevent the sale of liquors within a mile of Chocologco bridge, in Talladega county.

To authorize the sheriff of Bulloock county to sell property on any Monday in the month.

To amend an act to create a new county, to be called the county of Baker, approved March 2, 1861.

To authorize and empower the commissioners court of Barbour county to lay off and sell certain lots in the town of Clayton, in said county.

To pay certain witnesses therein named.

To regulate the return of venires of jurors, and the service of list of jurors in trials for capital offenses.

To repeal an act to extend the corporate limits of the city of Demopolis, approved October 10, 1868.

To amend section 2739 of the Revised Code.

For the relief of Edward F. Comegys, sr.

For the relief of A. Devaney, tax collector of Franklin county.

To regulate the publication of annual settlements of estates in Calhoun county,

To amend section 1053 of the Revised Code.

To regulate the mode of obtaining grand jurors for the city of Mobile, and prescribing the qualifications of such grand jurors.

To amend an act in relation to chancery courts in Alabama.

The Senate concurs in the resolution of the House extending the session of this general assembly beyond the constitutional period of thirty days.

M. P. BLUE,  
Secretary.

#### ENROLLED BILLS.

Mr. Powell, from the committee on enrolled bills, reported the following as correctly enrolled :

For the relief of W. G. Mustin, late tax collector of Pickens county.

To authorize the court of county commissioners of Pickens county to levy a special tax.

To authorize and require the mayor and council of the town of Union Springs to levy and collect a tax to pay the bonds issued by the corporate authorities of said town.

Message from the Senate, by Mr. Whiting—

SENATE CHAMBER,  
December 15, 1871. }

Mr. Speaker :

The Senate has passed House bill as follows :  
To relieve and regulate the finances of the State.

M. P. BLUE,  
Secretary.

By leave, Mr. Bullock offered the following resolution:

Resolved, (the Senate concurring,) That the general assembly take a recess commencing Tuesday, the 19th instant, and continuing until 12 o'clock, m., Thursday, January 18, 1872.

Mr. Knox moved to amend by striking out " Thursday, January 18th," and inserting "Tuesday, January 8, 1873 ;"  
Which was laid on the table.

Mr. Hewitt moved to amend by adding the following proviso : " Provided, no mileage shall be allowed."

Mr. Green moved to lay the amendment on the table ;  
Which was lost—Yeas 44, nays 47.

Yeas—Messrs. Bullock, Callaway, Clark, Clements, Coleman, Craig, Curtis, Davis, Biggs, Dozier, Drake, Duskin, Dustan, Ellison, Gaskin, Gee, Graham, Gunn, Hamilton, Haralson, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Johnson of Dallas, Kennedy, King, Lindsay, Lumpkin, McCall, McCaskey, Murrah, Perrin, Raisler, Smith of Choc-taw, Smith of Greene, Smitherman, Speed, Strauss, Taylor of Winston, Toomer, Tyler, Wells and Williams —44.

Nays—Messrs. Speaker, Alley, Appleton, Ashurst, Benson, Black, Box, Boyd, Bradford, Bulger, Carlin, Carmichael, Cochran, Cowan, Crook, Doster, Etheridge, Gilchrist, Grayson of Clarke, Grayson of Madison, Green, Henderson, Hewitt, Howell, Hurt, Johnson of Coosa, Knox, Leath, Lewis, McDermott, Moore, Mooring, Nininger, Oates, Powell, Rice, Semmes, Sims, Smith of Sumter, Speake, St. Clair, Taylor of Lauderdale, Thompson, Toulmin, Ware, White and Wyman—47.

Mr. Toomer moved the previous question ;

And the question being, Shall the main question be now put ? it was put and carried.

And the question being on the adoption of the resolution, it was put and lost—Yeas 41, nays 50.

Yeas—Messrs. Alley, Bullock, Carlin, Carmichael, Clark, Clements, Coleman, Curtis, Dozier, Dustan, Gaskin, Gee, Gunn, Hamilton, Haralson, Henderson, Hewitt, Hitchcock, Holmes of Sumter, Leath, Lumpkin, McCall, McCaskey, McDermott, Miller, Mancill, Mooring, Murrah, Raisler, Sims, Smith of Choctaw, Smith of Greene, Smitherman, Speake, Taylor of Winston, Toomer, Tyler and Wells—41.

Nays—Messrs. Speaker, Appleton, Ashurst, Black, Boyd, Bradford, Bulger, Callaway, Cochran, Cowan, Craig, Crook, Davis, Doster, Drake, Duskin, Ellison, Etheridge, Graham, Grayson of Clarke, Grayson of Madison, Green, Henry, Holmes of Baldwin, Howell, Hurt, Johnson of Coosa, King, Knox, Lewis, Lindsay, Lowe, Marlowe, Nininger, Oates, Perrin, Powell, Rice, Semmes, Smith of Sumter, St. Clair, Steele, Taylor of Lauderdale, Thompson, Toulmin, Ware, White, Williams and Wyman—50.

Mr. Lewis, by leave—

Offered the following resolution :

Resolved by the General Assembly, That a recess be taken from Thursday, the 21st instant, to the 10th day of January, 1872, provided no mileage be drawn for going from and returning to the capital.

Mr. Dustan moved to amend by striking out the proviso.

Mr. Hewitt moved the previous question ;

And the question being, Shall the main question be now put? was put and lost.

On motion of Mr. Boyd,

The resolution was laid on the table.

The House proceeded to the consideration of the bill—

To establish revenue laws for the State of Alabama.

Mr. Toomer moved to amend subdivision 6 of section 3, by inserting the word " agricultural " before the word " literary ;"

Which was lost.

Mr. Strauss move to amend subdivision 16 by inserting the words "and wooden, " after the word " earthen ;"

Which was adopted.

Mr. Henry moved to amend subdivision 17 by adding thereto the following : " not kept or raised for sale ;"

Which was adopted.

Mr. Hewitt moved to strike out subdivision 17 ;

Which was laid on the table.

Mr. Lewis moved to strike out subdivision 17 and insert the following:

"All stock hogs and pigs under six months old ;"  
Which was laid on the table.

Mr. Lowe moved to amend by adding thereto the following :

"Native and to the manner born ;"  
Which, on motion of Mr. Oates, was laid on the table.

Mr. Hewitt moved to amend by adding thereto the following :

"Provided, no exemption is claimed under subdivision 9 of section 3;"

Which was laid on the table.

Mr. Cowan moved to insert after the word " hogs," the following words :

" Improved or blooded hogs ;"  
Which was laid on the table.

Mr. Black moved to amend section 4 by inserting after the word " dollar," the words " and fifty cents."

Mr. Hewitt moved to lay the amendment on the table ;  
Which was lost ;

And the amendment was adopted.

Mr. Moore moved to amend subdivision 5 of section 6 by striking out the words " over one year old ;"

Which was laid on the table.

Mr. Boyd moved to strike out " one " and insert " three ;"  
Which was laid on the table.

Mr. Hewitt moved to strike out the word " two," in subdivision 6 ;

Which was laid on the table.

Mr. Cowan moved to strike out " two," in subdivision 7 of section 6, and insert " three ;"

Which was lost.

Mr. Black moved to strike out in subdivision 3 the words " wagon and other vehicle ;"

Which was lost.

Mr. Boyd moved to strike out subdivision 10 ;

Which was lost.

Also, to strike out subdivision 11;

Which was lost.

Also, to strike out the words, " not exempt by law," in subdivision 12 ;

Which was lost.

Mr. Black moved to strike out subdivision 14 ;

Which was lost.

Mr. Toomer moved to strike out the word " guns," in subdivision 14, and insert the following :

" Shot-guns, rifles, bowie-knives and dirks ;"

Which was adopted.

Mr. Leath moved to strike out the last clause in subdivision 18, as follows :

" Except funds held subject to draft in the prosecution of a regular exchange business ;"

Which, on motion of Mr. Knox, was laid on the table.

Mr. Moore moved to strike out the words "either" and "or out of," in subdivision 18 ;

Which was lost.

Mr. Duskin moved to strike out subdivision 22, as follows :

"All investments in the stocks of any company or corporation out of the State ;"

Mr. Boyd moved to lay the motion on the table ;

Which was lost.

Yeas 31, nays 40.

Yeas—Messrs. Speaker, Boyd, Bradford, Bulger, Bullock, Callaway, Clements, Coleman, Etheridge, Gilchrist, Graham, Grayson of Madison, Gunn, Hewitt, Hitchcock, Hodo, Kennedy, Lewis, Lindsay, McCall, McDermott, Miller, Moore, Mooring, Raisler, Sims, Smith of Greene, Smitherman, Taylor of Lauderdale, Taylor of Winston, Toomer, Tyler, White and Wyman—34.

Nays—Messrs. Appleton, Ashurst, Benson, Box, Carlin, Carmichael, Clark, Cowan, Craig, Crook, Curtis, Diggs, Doster, Dozier, Drake, Duskin, Gaskin, Gee, Grayson of Clarke, Green, Henderson, Henry, Howell, Johnson of Coosa, Johnson of Dallas, King, Knox, Lumpkin, McCaskey, Nininger, Oates, Perrin, Powell, Rice, St. Clair, Strauss, Thompson Ware and Williams—40.

The amendment was lost.

Yeas 37, nays 43.

Yeas—Messrs. Ashurst, Benson, Carlin, Clark, Cowan, Craig, Crook, Diggs, Doster, Dozier, Duskin, Gaskin, Gee, Green, Howell, Hurt, Johnson of Dallas, King, Knox, Lumpkin, McCaskey, McDermott, Marlowe, Moore, Nininger, Oates, Perrin, Rice, Semmes, Smith of Sumter, Speed, St. Clair, Strauss, Thompson, Tyler, Ware and Wells—37.

Nays—Messrs. Speaker, Appleton, Boyd, Bradford, Bulger, Bullock, Callaway, Carmichael, Clements, Coleman, Drake, Ellison, Etheridge, Gilchrist, Graham, Grayson of Clarke,

Grayson of Madison, Gunn, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Johnson of Coosa, Leath, Lewis, Lindsay, McCall, Mooring, Murrah, Powell, Raisler, Sims, Smith of Choc-taw, Smith of Greene, Smitherman, Taylor of Lauderdale, Taylor of Winston, White, Williams and Wyman—43.

Mr. Duskin moved to amend subdivision 22, by inserting "net income derived from."

Mr. Taylor as a substitute, the following :

Add to said subdivision the words "on which the owner thereof is not required to pay an ad valorem in other States"; Which was lost.

Mr. Bradford moved to lay Mr. Duskin's amendment on the table ;

Which was lost,

And the amendment was adopted.

Mr. Bullock moved to add to subdivision 23, the following :

" And any county, city or town thereof " ;

Which was lost.

Mr. Moore moved to insert the words, "all kinds," after the words "all other," in subdivision 24;

Which was lost.

Mr. Grayson of Madison, moved to insert after the word "personal," the words "except cattle under one year old, sheep and goats under six months old."

Mr. Cowan moved to amend the amendment, by adding thereto, the words "all hogs under twelve months old."

On motion of Mr. Bulger—

The amendment to the amendment,

Was laid on the table.

On motion of Mr. Cowan—

The amendment offered by Mr. Grayson,

Was laid on the table.

Mr. McCaskey moved to amend by inserting, after the word "personal," the words "not exempted under this section."

On motion of Mr. Bulger—

The amendment was laid on the table.

Mr. Bulger moved to amend, by an additional subdivision, as subdivision 25, as follows, to-wit :

" That all property of whatever kind, not specifically exempted by the provisions of section 3, of this act, shall be subject to taxation";

Which was adopted.



## LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Smith of Choctaw, for six days.

On motion of Mr. Gaskin—

The House adjourned until to-morrow morning, 10 o'clock.

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 TWENTY-FOURTH DAY.

SATURDAY, December 16, 1871.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Gunn, of the House.

The journal of yesterday was read and approved.

On motion of Mr. Doster—

The regular order of business was suspended, to consider the resolution of the Senate, to raise a joint committee of the two Houses, to revive and amend the general election laws.

The House concurred in the resolution.

And Messrs. Lowe, Smitherson, Semmes and Dustan, were appointed the committee on the part of the House.

Mr. Davis offered the following resolution :

Resolved by the House of Representatives, (the Senate concurring), That the General Assembly take a recess on the 19th inst., at 2 o'clock, p. m., to convene again on Wednesday, the 10th day of January, 1872, at 12 o'clock, m.

Mr. Knox moved to strike out "19th inst." and insert "21st inst";

Which was laid on the table.

Mr. Gunn moved to strike out "Wednesday, the 10th," and insert " Monday, the 15th";

Which was laid on the table ;

And the resolution was adopted.

Message from the Senate, by Mr. Whiting :

SENATE CHAMBER,  
December 16, 1871. }

Mr. Speaker :

The Senate has passed House bills as follows :

To authorize parties interested to publish all notices re-

quired by law, in any newspaper such party may designate, so far as relates to the counties of Cherokee, Limestone and Madison

To prevent the sale of liquors within one mile of Damascus church, in Butler county.

To regulate the collection and paying out of the county tax of Covington county.

To authorize John Rudolph of Butler county, to erect gates across the public road leading from Greenville to Mount Wiling, at the county line between the counties of Butler and Lowndes.

To furnish a tract book for the county of Dale.

To incorporate the town of Ashland in the county of Clay.

To authorize the court of county commissioners of Autauga county to borrow money and issue the bonds of the county for the same.

To authorize Mrs. Martha Ferrell, administratrix of the estate of Archelaus Ferrell, deceased, to sell certain property at private sale.

To authorize Simpson and Baker, owners of a steam mill in Lawrence county, to take 1-7th toll as compensation for services rendered.

To relieve Bedford J. Hamilton, a blind minister, and his minor son, Alexander Hamilton, formerly of the county of Sumter.

To prohibit the sale of spirituous liquors within three miles of Ramah church, in Barbour county.

To prohibit the retailing of liquor within two miles of the Methodist Episcopal Church at Robinson Springs, in the county of Elmore.

And, has adopted the House joint memorial to congress asking for a grant of lands to the Columbus, Fayette & Decatur Railroad.

The Senate has originated and passed the following bills:

In relation to the payment of the interest on the bonds of the Alabama & Chattanooga Railroad Company.

For the relief of A. M. Granger.

To prohibit the sale of liquors within three miles of Alpine Baptist Church, in Talladega county.

To prevent the sale of liquors within two miles of Kennedale Cotton Mills, in Tuscaloosa county.

To detach from the 4th district of the southern chancery division, and to establish a separate district out of Coffee and

Geneva counties, to be known as the 6th chancery district of the southern chancery division.

For the protection of holders of policies in life and fire insurance companies doing business in Alabama.

To make Susan L. Lee of Sumter county a free dealer.

The Senate has amended by substitute, as therein shown, and passed the House bill—

To repeal an act to authorize the publication of the laws of the State of Alabama.

The Senate has also adopted a joint resolution in relation to a recess, herewith transmitted.

M. P. BLUE,  
Secretary.

By Mr. Raisler—

A bill to regulate attachments in this State.

By Mr. Doster—

A bill to repeal an act entitled, an act to repeal an act to authorize writs of garnishments against incorporated cities, towns and villages ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the revision of the laws.

A bill to remove the disabilities of non-age of William Thomas Robertson of Lowndes county ;

Which was read twice, under a suspension of the constitutional rule, and laid on the table.

By Mr. Lowe—

A memorial from the citizens of Madison county, in regard to the opening of a certain public road in the county of Madison ;

Which was read and referred to the committee on the judiciary.

By Mr. Dustan—

A bill authorizing and requiring the governor to draw his warrant on the treasurer for legal services rendered the State by the late Gen. James H. Clanton ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on finance.

By Mr. Carlin—

A bill for the relief of A. M. Mills and F. S. Breitling, administrators de bonis non, with the will annexed, of Gottlieb Breitling, deceased, late of Marengo county ;

Which was read twice under a suspension of the constitu-

tional rule, and referred to a special committee of five, as follows, to-wit :

Messrs. Carlin, Boyd, Graham, Wyman and Bullock.

By Mr. Boyd—

A bill to authorize the consolidation of the Alabama & Georgia Railroad Company, organized under the general laws of this State, with the Memphis Branch Railroad Company of the State of Georgia and other States, and to grant certain powers and privileges therein named.

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Boyd—

A bill to prohibit the sale of vinous, spirituous and malt liquors within two miles of the furnace at Irondale, in Jefferson county ;

Which was read three times, under a suspension of the constitutional rule, and passed.

By Mr. McDermott—

A bill to authorize Michael J. Brennan and Charles Cavorac, citizens of New Orleans, La., to qualify in the city of Mobile as co-executors of the last will and testament of D. O. Grady, deceased ;

Which was read three times, under a suspension of the constitutional rule, and passed.

By Mr. Grayson—

A bill to repeal an act to regulate the publication of legal notices in the State of Alabama, approved August 12, 1868; and also, an act to amend an act to regulate the publication of legal notices in the State of Alabama, approved October 8, 1868, so far as the same apply to the county of Wilcox ;

Which was read twice, under a suspension of the constitutional rule.

The bill was amended by inserting the following counties after Wilcox, to-wit : Marengo, Jackson, Washington, Morgan, Madison, Autauga, Greene and Pike.

And the bill was referred to the committee on the judiciary, with instructions to report the legal effect of the passage of the bill.

By Mr. Gunn—

A bill to grant certain privileges therein mentioned, to J. W. Peck of Morgan county.

Also, a bill to prevent obstruction of the free passage of fish

into and out of the waters of Flint creek, in Morgan county.

By Mr. Davis—

A bill (accompanied with a petition) to prohibit the sale of spirituous liquors within two miles of the Rock Mills Manufacturing House in Randolph county.

By Mr. King—

A bill to authorize Theophilus S. and George H. Fontaine, or either of them, (citizens of Georgia,) to qualify as executors of the estate of B. B. Fontaine.

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on local legislation.

#### RECESS.

The House proceeded to the consideration of the Senate resolution in relation to taking a recess.

On motion of Mr. Bullock the resolution was amended by striking out "Thursday the 21st," and inserting "Tuesday the 19th inst.;" and as amended the House concurred in the same.

#### REVENUE LAWS.

The House proceeded to the consideration of the bill—

To establish revenue laws for the State of Alabama.

Mr. Toulmin moved to amend by inserting after the word "premiums" in the last line of subdivision 3, of section 12, the words "less the expenditures, and in case of life insurance companies so chartered or organized, the necessary reserved fund of said companies," which was adopted.

Mr. Rice moved to amend as follows :

Strike out in third line of section 117, the words "in some newspaper published in the county, if there be such, if not," and add at the end of the section the following, "for which he shall receive a reasonable compensation, to be paid out of the county treasury";

Which was adopted.

Mr. Strauss moved to amend subdivision 4, section 12, as follows :

Strike out the words "gross amount of commissions, or sums charged or received in ordering such tax year by," and insert "on the net income of any" ;

Which was lost.

Mr. Speake moved to amend section 79, as follows :

Strike out the word "double," line 4, and insert after the word "many," in the same line, the words and "20 per cent."

Which was adopted.

Mr. Leath moved to amend section 17 by striking out "September" in the second line, and inserting "October," and by striking out "30th day of November," and inserting "31st day of December" ;

Which was adopted.

Mr. Clements moved to amend subdivision 4, section 112, as follows:

Insert after the word "entertainment," the words "exhibitions of magics, panoramas, and all other exhibitions for profit, not herein enumerated" ;

Which was adopted.

Mr. Hewitt moved to amend same section, by striking out "fifty" where it occurs in subdivision 1, and inserting "one hundred" ;

Which was lost.

Mr. Bulger moved to amend same section by inserting "twenty" before the word "five" in subdivision 9.

Mr. Clements moved to amend the amendment by inserting "one thousand" ;

Which was lost.

Mr. White moved to amend the amendment by inserting "five hundred" ;

Which was adopted as a substitute for Mr. Bulger's amendment.

The question being on the adoption of Mr. Bulger's amendment as amended,

Mr. Lowe moved to amend the amendment by striking out "five hundred" and inserting "fifty" ;

Which was lost.

Mr. Mancill moved to amend by striking out "five hundred" and inserting "one hundred" ;

Mr. Leath moved to amend by striking out "five hundred" and inserting "two hundred and fifty" ;

Which was adopted.

Mr. Thompson moved to amend by striking out subdivision 6 of section 112 ;

Which was lost.

Mr. Bulger moved to strike out "ten" in subdivision 4 of said section and insert "twenty-five" ;

Which was lost.

Mr. Hewitt moved to amend subdivision three of said section by striking out "ten" and inserting "twenty-five" ;

Which was adopted.

Mr. Bulger moved to amend by striking out section 18 ;

Which was lost.

Mr. Boyd moved to amend subdivision 8, section 112, by striking out "ten" and inserting "twenty-five" ;

Which was adopted.

Mr. Bullock moved to amend section 18, by striking out the word "March" and inserting "April" ;

Which was lost.

Mr. Crook moved to amend by striking out subdivision 18, of section 111 ;

Which was adopted.

Mr. Taylor of Lauderdale moved to amend section 111, subdivision 10, by adding at the end the words, "for each two-horse carriage, or vehicle, used principally for riding the public, ten dollars;"

Which was lost.

Mr. Wyman moved to amend said section, sub. 9, by inserting after the words "fifty dollars," the words "for retail dealers in tobacco and cigars, ten dollars;"

Which was lost.

Mr. Toomer moved to amend by striking out subdivision 30 of same section ;

Which was lost.

Mr. Johnson of Coosa moved to strike out subdivision 11 of same section ;

Which was lost.

Mr. Bullock moved to amend subdivision 31 of same section by inserting after the words "prize candy," the words "or prize articles of any kind" ;

Which was adopted.

Mr. Toomer moved to amend subdivision 27 of same section by striking out " fifty dollars " and inserting " ten dollars for each exhibition or representation therein, not herein otherwise taxed ;"

Which was lost.

Mr. Black moved to amend subdivision 5 of same section as follows : Strike out the word " thirty " in line 33, and insert " one hundred."

Mr. Boyd moved to lay the amendment on the table ;

Which was lost

The amendment was adopted.

Mr. Black also moved to amend said subdivision and section as follows : Strike out the words " seventy-five," in line 34, in same subdivision and section, and insert the words "one hundred and fifty."

Also strike out the word " one," in line 34, in same subdivision and section, and insert " two ;"

Which were adopted.

Mr. Lowe moved to amend by inserting, after the word " keno," in subdivision 9, section 112, the words " or faro bank ;"

Which was adopted.

Mr. Boyd moved to amend subdivision 29, section 111, by striking out " twenty-five dollars," and insert in lieu thereof the words " in towns, cities, or villages of one thousand inhabitants or less, ten dollars, of more than one thousand twenty-five dollars ;"

Which was adopted.

Mr. Bullock moved the previous question ;

And the question being, " Shall the main question be now put?" it was decided in the affirmative, and the bill was ordered to be engrossed for a third reading on to-morrow.

#### SPECIAL COMMITTEE.

Mr. Duskin, from special committee, reported favorably to the bill—

To amend an act to establish the canebrake agricultural district, to provide for the securing of the same, and the management of its affairs, with an amendment, as an additional section, as section 3 ;

The amendment was adopted, and the bill read a third time, under suspension of the constitutional rule, and passed.

Mr. Bradford, from special committee, reported favorably to the bill—

For the relief of the Alabama institution for the deaf and dumb and the blind ;

Which was read twice, under a suspension of the constitutional rule, and passed.

Mr. Toomer, by leave, introduced a bill—

To amend the charter of the city of Opelika ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Thompson moved to strike out of the amending clause the words " and shall be seized and possessed in his own right



of five hundred dollars worth of real estate lying within said corporate limits;"

Which was lost.

The bill was read a third time, under suspension of the constitutional rule, and passed.

#### COUNTIES AND COUNTY BOUNDARIES.

Mr. Steele, from the committee on counties and county boundaries, reported favorably to the bill—

To change the county boundaries of Barbour and Russell.

Mr. Clark moved to indefinitely postpone the bill ;

Which was lost.

Yeas 33, nays 43.

Yeas—Messrs. Alley, Black, Bullock, Carlin, Clark, Cochran, Craig, Curtis, Diggs, Doster, Dozier, Duskin, Gaskin, Gee, Green, Haralson, Henderson, Johnson of Dallas, Knox, Dustan, Mooring, Nininger, Smith of Greene, Smith of Sumter, Smitherman, St. Clair, Taylor of Winston, Thompson, Tyler, Wells and Williams—33.

Nays—Messrs. Speaker, Appleton, Ashurst, Box, Boyd, Bradford, Bulger, Callaway, Clements, Cowan. Crook Etheridge, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, King, Leath, Lindsay, Lowe, Lumpkin, McDermott, Miller, Murrah, Rice, Semmes, Speake, Steele, Strauss, Taylor of Lauderdale, Toomer, Toulmin, Ware, Weatherford and Wyman—43.

The bill was ordered to a third reading on to-morrow.

#### CORPORATIONS.

Mr. Smith of Sumter, from the committee on corporations, reported favorably to the Senate bill—

To incorporate the town of Birmingham.

Mr. Hewitt offered the following amendments ;

Which were severally adopted :

Strike out the word " town " where ever it, occurs in the bill, and insert the word " city." Insert after the word "jail" in the eighth line of section 6 the words " upon the payment , of the fees to the jailer of said county for feeding such prisoner or prisoners, at the prices prescribed by law for feeding State prisoners."

Insert the words " hereafter in each and every year" in the seventh line of section 6, after the word "assessed."

Strike out the word " double" in the fifth line of section 7.

Insert, after the word "paid," in the tenth line of section 14, the following: " as prescribed by the sixth section of this act."

Amend by additional section, as section 16.

Mr. Haralson moved to amend by striking out in section 2 the words " shall be appointed by the governor," and inserting the following, "shall be elected by the qualified voters of said city ;"

Which was lost.

Mr. Toomer moved to recommit the bill ;

Which, on motion of Mr. Murrah, was laid on the table.

The bill was read a third time under suspension of the constitutional rule, and passed.

The caption was amended by striking out the word "town" and inserting " city."

Mr. Smith of Sumter, from the committee on corporations, reported favorably to the bill—

To amend the charter of the city of Talladega, and to confer additional powers upon the mayor and aldermen of said city ;

Which was read a third time, under a suspension of the constitutional rule, and passed.

The House proceeded to consider the House bill, amended by the Senate—

To repeal an act to authorize the publication of the laws of the State of Alabama, approved October 10th, 1868.

Mr. Leath moved to postpone the further consideration of the bill, and make it the special order for Monday next 12 o'clock, m.

Mr. Marlowe moved to lay the motion on the table ;

Which was lost ;

And the bill was made the special order for Monday next, 12 o'clock.

Mr. Speaker laid before the House a communication of John A. Graham, one of the commissioners to examine the State offices ;

Which was referred to the committee on public printing.

#### LEAVE OF ABSENCE.

Leave of absence was granted Mr. Gunn for two days.

On motion of Mr. Thompson—

The House adjourned until 10 o'clock Monday morning.

## TWENTY-FIFTH DAY.

MONDAY, December 18, 1871.

House met pursuant to adjournment.  
 Prayer by Rev. Mr. Howell of the House.  
 Journal of yesterday was read and approved.

The regular order of business was suspended to consider Senate bills.

The Senate bills to detach from the fourth district of the southern chancery division, and establish a separate district out of Coffee and Geneva counties, to be known as the 6th district of the southern chancery division.

To amend an act to regulate the time of holding courts in the 2d judicial circuit.

To authorize and empower the commissioners court of Barbour county to appoint three commissioners to lay off and sell certain lots in the town of Clayton in said county.

To amend sections 1 and 2 of an act to incorporate the town of Clayton, in the county of Barbour.

To amend an act in relation to chancery courts in Alabama.

To prohibit the sale of liquors within three miles of Alpine Baptist church, in Talladega county.

To prohibit the sale of liquors within two miles of Glennville Male and Female Academy, in Russell county.

To repeal an act to regulate the publication of legal and other notices in the counties of Shelby, and other counties therein named, approved March 3d, 1870, so far as the same relates to the counties of Dale, Coosa and Tallapoosa.

To authorize certain parties therein named to sell real estate.

To prevent the sale of liquors within two miles of Kennedale Cotton Mills, in Tuscaloosa county.

To repeal an act to extend the corporate limits of the city of Demopolis, approved October 10, 1868.

To pay certain witnesses therein named.

To encourage investments of money in this State by life insurance companies of other or foreign States.

To authorize certain parties therein named to sell real estate.

For the relief of A. Devaney, tax collector of Franklin county.

To make Susan T. Griffin of Lee county a free-dealer.

Were severally read a three times, under a suspension of the constitutional rule, and passed.

Message from the Senate, by Mr. Whiting:

SENATE CHAMBER,  
December 18, 1872. }

Mr. Speaker :

The Senate has passed House bills as follows :

For the relief of the Alabama Institution for the Deaf, the Dumb and the Blind.

For the relief of J. B. Johns of Montgomery.

The Senate has originated and passed House bills as follows :

To prohibit the sale of liquors within two miles of Glennville Male and Female Academy, in Russell county.

To provide for the support of the freedmen's hospital located near the city of Talladega.

To relieve the M. & E. railroad company from the penalty on delinquent taxes for 1870.

Supplemental to an act to relieve and regulate the finances of the State.

To repeal an act to regulate the publication of legal notices in the counties of Shelby, Walker, &c., approved March 3d, 1870, so far as relates to the counties of Dale, Coosa and Tallapoosa.

To enable the citizens of Russell county to raise funds.

To make Susan J. Griffin of Lee county a free dealer.

To provide for permanently locating the line between the counties of Bibb and Baker and Shelby and Baker.

To change the county line between Crenshaw and Pike counties.

To authorize certain parties therein named, to sell real estate.

And,

To authorize certain parties therein named to sell real estate.

And has passed the House bill—

To establish an inferior court of record for the county of Wilcox, with criminal and civil jurisdiction.

The Senate concurs in the House amendments to the Senate bill—

To incorporate the town of Birmingham.

The Senate has amended as therein shown, and passed the House bill—

To amend the charter of the city of Opelika.

The Senate has originated and passed bill—

To authorize the probate court of Montgomery county to take jurisdiction over the estate of Charles H. Molton, late of Elmore county.

M. P. BLUE,  
Secretary.

The Senate bill—

To amend an act to create a new county, to be called the county of Baker ;

Which was read three times, under a suspension of the constitutional rule, and passed.

On motion of Mr. Lewis, the vote just had on the passage was reconsidered.

The Senate bills—

To provide for the support of the Freedman's Hospital, located near the city of Talladega ;

Was read three times, under a suspension of the constitutional rule, and passed.

Mr. Rice moved to postpone the further consideration of the bill until the first day of February next ;

Which was lost.

Mr. Hewitt moved to commit the bill to the committee on appropriations ;

Which was lost.

And the bill was ordered to a third reading.

The Senate bill—

In relation to the payment of the interest on the bonds of the Alabama and Chattanooga Railroad company ;

Was read a first time.

Mr. Boyd moved to postpone the further consideration of the bill until the 15th day of January ;

Which was laid on the table.

Yeas 28, nays 45.

Yeas—Messrs. Alley, Bullock, Cowan, Craig, Diggs, Dozier, Dustan, Grayson of Clarke, Grayson of Madison, Knox, Lindsay, Lowe, Mooring, Oates, Rice, Smith of Greene, Smith of Sumter, Speed, St. Clair, Steele, Thompson, Toulmin, Tyler, Wells, White Williams and Wyman—28.

Nays—Messrs. Speaker, Appleton, Ashurst, Benson, Box, Boyd, Bradford, Bulger, Callaway, Carmichael, Clark, Cole-

man, Crook, Curtis, Davis, Doster, Drake, Duskin, Gilchrist, Hamilton, Haralson, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Johnson of Coosa, Jonson of Dallas, Kennedy, King, Lewis, Lumpkin, McCaskey, McDermott, Perrin, Powell, Semmes, Sims, Smitherman, Speake, Strauss, Toomer, and Weatherford—45.

The question being on postponement, it was put and lost.

Yeas 23, nays 50.

Yeas—Messrs. Speaker, Appleton, Ashurst, Box, Boyd, Bradford, Bulger, Callaway, Crook, Drake, Gilchrist, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Howell, Kennedy, Lewis, Perrin, Powell, Semmes and Smitherman—24.

Nays—Messrs. Alley, Benson, Black, Bullock, Carmichael, Clark, Clements, Coleman, Cowan, Craig, Curtis, Davis, Diggs, Doster, Dozier, Duskin, Dustan, Gee, Grayson of Clark, Grayson of Madison, Haralson, Holmes of Baldwin, Johnson of Coosa, Johnson of Dallas, King, Knox, Lindsay, Lowe, Lumpkin, McCaskey, Mooring, Oates, Rice, Sims, Smith of Greene, Smith of Sumter, Speake, St. Clair, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Thompson, Toulmin, Toomer, Tyler, Ware, Weatherford, Wells, White and Wyman—50.

And the bill was ordered to a third reading.

The Senate bill—

To make appropriations for the fiscal year ending September 30th, 1872 ;

Was read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means.

The Senate bill—

To amend section 2739 of the Revised Code ;

Was read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

The Senate bill—

To regulate the publication of annual settlements in Calhoun county ;

Was read twice, under a suspension of the constitutional rule, and referred to the committee on revision of laws.

The Senate bill—

To authorize the sheriff of Bullock county to sell property on any Monday in the month ;

Was read twice, under a suspension of the constitutional rule, and laid on the table.

The Senate bill—

To provide for the completion of the Alabama State tract books in the office of the Secretary of State ;

Which was read twice, under a suspension of the constitutional rule, and referred to a special committee of three, as follows : Messrs. Clements, Moore and Dustan.

The Senate bill—

To authorize the probate court of Montgomery county to take jurisdiction of the estate of Charles H. Molton, deceased, late of Elmore county ;

Was read three times, under a suspension of the constitutional rule, and passed.

The Senate bill—

To relieve the Montgomery and Eufaula railroad company from the penalty on delinquent taxes for 1870 ;

Was read twice, under a suspension of the constitutional rule.

Mr. Bulger moved to refer the bill to a special committee of five ;

Which was laid on the table.

And the bill was ordered to a third reading.

The House proceeded to consider the House bills amended by the Senate—

To repeal an act to authorize the publication of the laws of Alabama, approved October 10, 1868.

Mr. Gilchrist moved to strike out " three insertions " in the amendment, and insert " one insertion " ;

Which was lost.

And the Senate amendment was concurred in.

Message from the Governor, by Mr. Chardavoyne :

Mr. Speaker :

The Governor has approved the following bills originating in the House of Representatives :

To amend section 1282 of the Revised Code.

To amend section 2377 of the Revised Code.

To require the auditor to furnish the judge of probate of Choctaw county a list of all lands sold for taxes since May 25th, 1865, and purchased by the State.

To authorize Wm. H. Wood, administrator of the estate of Richard H. Wood, deceased, to sell the lands belonging to said estate, at private sale.

To authorize Mrs. Melissa Howle, deceased, to sell certain land and make title thereto.

For the relief of the sureties on the official bond of Newton S. Smith, late tax collector of Greene county.

To remove the guardianship of Bird and James Fitzpatrick to Pike county,

For the relief of Emma Clark, (a minor).

To repeal an act to consolidate the offices of tax collector and assessor in the county of Marion.

To provide for administering the securities of certain insurance companies from whom the State now holds, or may hereafter hold, such securities.

To relieve and regulate the finances of the State.

To authorize and require the mayor and council of the town of Union Springs to levy and collect a tax to pay the bonds issued by the corporate authorities of said town.

For the relief of Mason Harwell and Edgar J. Lee, surviving partners of H. P. Lee & Co. of Montgomery.

For the relief of W. G. Mustin, late tax collector of Pickens county.

To prohibit the sale of liquors in the town of Somerville, in Morgan county.

For the benefit of Stella Crandall, of Calhoun county.

To authorize the court of county commissioners of Pickens county to levy a special tax.

For the payment of certain claims out of the general county fund.

To regulate the chancery courts in the 8th district of the southern chancery division of this State.

To prohibit the sale of liquors within one mile of Salem church, in Cherokee county.

To secure justices of the peace and notaries public in their fees in certain cases.

To confer on John T. Rather and Silas P. Rather, administrators of Edward N. Thompson, deceased, authority to compromise a suit.

To incorporate the Bluff City Hook & Ladder Company of the city of Eufaula.

Requiring the justices of the peace of Chambers and Cleburne counties to act as apportioners and supervisors of public roads in their respective beats.

To prevent the sale of liquors within two miles of the male and female academy in the town of Isney, Choctaw county.

To extend the time within which the Bienville Water



Works company of the city and county of Mobile may commence and construct their works, without forfeiture.

To limit the commissioners of the county of Sumter in their power to assess taxes.

To authorize James O. Adkins, of Butler county, to erect gates across the public road leading from Greenville to Cahaba.

#### WAYS AND MEANS.

Mr. Oates, by leave, from the committee on ways and means, reported adversely to the Senate bills—

To authorize the Governor to make a temporary loan to pay the current expenses of the State ;

And,

For the relief of the tax collector of Dallas county ;

Which were severally concurred in.

Also, favorably to the Senate bill—

For the relief of certain railroads in Alabama ;

With an amendment to strike out the Selma and Meridian railroad company ;

Which was adopted, and the bill ordered to a third reading.

Mr. Oates, by leave, introduced —

Joint resolution to pay witnesses, clerk and sergeant-at-arms for House committee to inquire into official misconduct of Hon. John Elliott, judge of 6th judicial circuit.

#### LEAVE OF ABSENCE.

Leave of absence was granted Messrs. Miller, Graham, Duskin and Steele.

#### REPORT FROM SPECIAL COMMITTEE.

Mr. Oates, from the special committee to which was referred the matter of investigating the alleged official misconduct of the Hon. John Elliott, judge of the 6th judicial circuit, made the following report :

A number of witnesses have been examined under oath, whose testimony is herewith submitted. Your committee is satisfied from the evidence that the said John Elliott, judge of the 6th judicial circuit, has been guilty of willful neglect of official duty ; that he has also, while presiding as judge, been repeatedly in a state of absolute intoxication, totally

disqualifying him for the administration of justice, thereby lowering the dignity of the judicial office, and bringing the same into public contempt.

Your committee therefore recommends the accompanying address to his excellency the Governor, for the removal of said John Elliott from his office of judge of the 6th judicial circuit of Alabama.

The address accompanying the report is as follows :

The Senate and House of Representatives of the General Assembly of Alabama, to his excellency the Governor of Alabama—Greeting :

Your excellency is addressed on the subject of the official and general conduct of the Hon. John Elliott, judge of the 6th judicial circuit.

This officer has been charged before us with willful neglect of duty, with delay and denial of justice, and with conduct unbecoming the dignity of his official station.

Evidence touching this accusation has been taken and considered by us, and in our solemn judgment the same establishes—

1st. That the said Hon. John Elliott, as judge of the 6th judicial circuit, has been guilty of willful neglect of duty, in that, whilst he has been holding the courts of his circuit, and whilst said courts have been in session, he has often times made himself drunk with liquor, and being in that condition, and because of that condition, has absented himself from the places of holding said courts, and has thereby suffered causes then and there ready for trial, the parties to them desiring trial, to be unwarrantably and without legal cause postponed, to the injury of the said parties, in derogation of the dignity of his office, and contrary to the constitution and laws of the State.

2d. That he has been guilty of a denial of justice, in that, during the sessions of the courts of his circuit, and while presiding therein as judge, he has refused to allow causes, called and ready for trial, to proceed according to the prescribed rules of practice in said courts, and has without cause arrested or interrupted the regular and proper course of judicial procedure therein ; and also of the delay of justice, in that, while so presiding as judge, being drunk with liquor, and thereby incapacitated for duty, litigants in his court have been compelled, by common consent of themselves or of their counsel, to continue their causes, or postpone them to

a later day, to the injury of all parties concerned, and contrary to the constitution and laws of the State.

3d. That he has been guilty of conduct unbecoming the dignity of his official station, in that he has been an habitual drunkard, with occasional lucid intervals of sobriety, almost ever since his incumbency of the judicial office begun, and that he has often times exhibited himself upon the bench, in public places, and on public highways, in the presence of divers of the good citizens of the State, in a condition of perfect intoxication, to the shame of the said citizens, in defiance of public decency, and contrary to the constitution and laws of the State. And such being our judgment, founded on reliable and competent testimony ; and being without hope that the inveterate mania for intoxicating liquors of which the said judge is, and has long been possessed, can ever be dispelled, we deem it our high duty, imposed by the constitution and the interest of public decency, public justice and good morals, to address your excellency a request to remove the said Hon. John Elliott from the office of circuit judge of Alabama for the 6th judicial circuit.

Pending consideration of which,

On motion of Mr. Lowe—

The House adjourned until to-morrow morning 10 o'clock.

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#### TWENTY-SIXTH DAY.

TUESDAY, December 19, 1871.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. White, of the House.

The journal of yesterday was read and approved.

Nr. Dustan moved to reconsider the vote of yesterday concurring in the amendment of the committee to the bill—

For the relief of certain railroads in Alabama.

Mr. Hewitt moved to lay the motion on the table ;

Which was lost.

Mr. Boyd moved to postpone the further consideration of the motion until the 10th day of January next.

Mr.— moved to lay Mr. Boyd's motion on the table ;

Which was lost.

And the motion of Mr. Boyd was carried.

The following message from the Senate, by Mr. Whiting, was received :

SENATE CHAMBER,  
December 19, 1871. }

Mr. Speaker :

The Senate has passed House bills as follows:

To amend an act to establish the canedrake agricultural district, to provide for the securing of the same, and the management of its affairs.

To establish an inferior court of record in the town of Courtland.

To authorize the corporate authorities of the city of Mobile to establish and maintain public parks within the limits of said city.

For the relief of William McCrary, of Hale county, and John Jones, of Geneva county,

To relieve Mary I. Harris, of Sumter county, from settling her guardian accounts is the probate court of said county for the space of five years.

Joint resolutions to pay witnesses, clerk and sergeant-at-arms, for attendance upon special House committee to inquire into alleged official misconduct of Hon. John Elliott, judge of the sixth judicial circuit,

To establish a board of commissioners of roads for the county of Mobile, and to prescribe the duties thereof.

To change the terms of the commissioners court of Washington county.

For the relief of Mrs. Sarah A. Martin, widow of the late Joshua L. Martin, of Tuscaloosa county.

To amend section 10 of an act to incorporate the town of Dadeville, in Tallapoosa county.

The Senate has amended, as therein shown, and passed the House bills :

To repeal an act to regulate the publication of legal and other notices in the State of Alabama, approved August 12, 1868, and an act to amend the same approved October 10, 1868.

To incorporate the town of Seele, in the county of Russell.

The Senate has originated and passed bills as follows—

To amend the third and eighth sections of an act to incorporate the Pensacola & Mobile railroad company.

To provide for the sale of the lands belonging to James H. Judkins at the time of his death.

M. P. BLUE,  
Secretary.

#### ENROLLED BILLS.

Mr. Powell, from the committee on enrolled bills, reported the following correctly enrolled :

To amend an act to authorize the publication of the laws of the State of Alabama, approved October 10, 1868.

To amend the charter of the city of Opelika.

For the relief of J. B. Johns, of Montgomery.

To establish an inferior court of record for the county of Wilcox, with civil jurisdiction.

By leave, Mr. Lewis offered the following resolution ;

Which was adopted :

Resolved, That George F. Moore, the clerk, and William Bellinger, sergeant-at-arms of the special committee on railroads, be, and are hereby allowed the same pay as the members of this House for the time of their respective services.

Mr. Toulmin offered the following resolution, accompanied by a memorial from the Montgomery board of trade :

Resolved by the House, (the Senate concurring), That a committee of seven, four from the House and three from the Senate, be appointed to take into consideration the memorial from the Montgomery board of trade on the subject of immigration, and to report what action is necessary to meet the object in view.

On motion of Mr. Knox—

The consideration of there solution was postponed until the 10th day of January next.

On motion of Mr. Lowe—

The vote on the passage, as also the vote ordering to a third reading the bill—

To make Susan T. Griffin, of Lee county, a free dealer,  
Were reconsidered.

And, on motion of Mr. Toomer, the bill was referred to the committee on local legislation.

The House concurred in the Senate amendment to the House bill—

To repeal an act to regulate the publication of legal and other notices, approved August 12, 1868, and an act to amend the same, approved October 10, 1868.

On motion of Mr. Oates—

The report of the special committee to investigate charges against Hon. John Elliott, judge of the sixth judicial circuit,  
Was laid on the table.

Senate bill—

To provide for the support of the freedman's hospital located near the city of Talladega,

Was read a third time and passed.

Yeas 53, nays 14.

Yeas—Messrs. Speaker, Benson, Bradford, Bulger, Bullock, Callaway, Carlin, Carmichael, Clark, Clements, Cochran, Craig, Curtis, Davis, Diggs, Doster, Dozier, Drake, Dustan, Etheridge, Gaskin, Gee, Haralson, Henderson, Henry, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Johnson of Coosa, Johnson of Dallas, King, Knox, McCaskey, McDermott, Murrah, Nininger, Oates, Powell, Semmes, Smith of Greene, Smith of Sumter, St. Clair, Strauss, Taylor of Winston, Thompson, Toomer, Toulmin, Tyler, Ware, Weatherford, White, Williams and Wyman—53.

Nays—Messrs. Box, Cowan, Gilchrist, Grayson of Madison, Hamilton, Hewitt, Hurt, Leath, Lowe, Payne, Raisler, Rice, Speake and Taylor of Lauderdale—14.

By leave, Mr. Haralson offered the following resolution :

Resolved, That the labor Union of Alabama be permitted to occupy the hall of the House of Representatives during its session commencing January 1, 1872.

Mr. Leath moved to lay the resolution on the table ;

Which was lost.

And the resolution was adopted.

Mr. Murrah offered the following resolution ;

Which was adopted :

Resolved, That George Y. Jarvis, the assistant door-keeper of the House of Representatives, shall receive for his services a per diem of five dollars.

The Senate bill—

To provide for the sale of lands which belonged to James H. Judkins, deceased, at the time of his death ;

Was read a third time, under a suspension of the constitutional rule, and passed.

#### JUDICIARY.

Mr. Toulmin, from the judiciary committee, reported adversely to the bill—

To establish the city court of Huntsville ;  
Which was concurred in, and the bill lost.  
By leave, Mr. Speake offered the following resolution ;  
Which was adopted.

Resolved, That the House dispense with assistant door-keeper for the balance of the session.

#### CORPORATIONS.

Mr. Leath, from the committee on corporations, reported favorably to the following bills :

To incorporate the town of Attala, in the county of Etowah.

To amend an act to incorporate the city of Demopolis, approved January 20, 1866 ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

#### JUDICIARY.

Mr. Toulmin, from the judiciary committee, reported favorably to the bill—

To prescribe the time of holding the courts in the 10th judicial circuit ;

Which was read a third time, under a suspension of the constitutional rule, and passed.

#### PUBLIC PRINTING.

Mr. Taylor, from the committee on public printing, reported favorably to the bill—

In relation to the public printing ;

Which was read a third time, under a suspension of the constitutional rule, and passed.

#### BILLS INTRODUCED.

Mr. Gee introduced a bill—

To regulate the practice of drumming in the city of Selma,

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

#### LOCAL LEGISLATION.

Mr. Moore, from the committee on local legislation, report-

ed favorably, with an amendment by way of proviso, to the bill—

For the relief of Ann Eliza Shelton of Montgomery county;  
The amendment was adopted, and the bill was ordered to a third reading.

#### FINANCE.

Mr. Bullock, from the committee on finance, reported favorably to the bill—

For the relief of maimed officers and soldiers who belonged to military organizations and served in the armies of this State during the late war ;

Which was read a third time, under a suspension of the constitutional rule, and passed.

#### JUDICIARY.

Mr. Toulmin, from the judiciary committee, reported favorably to the bill—

To authorize N. B. Peacock, administrator of the estate of Edward P. Brooks, deceased, late of Butler county, to sell certain lands belonging to said estate at private sale ;

The report was not concurred in, and the bill was read a third time, under a suspension of the constitutional rule, and passed.

#### LOCAL LEGISLATION.

Mr. Moore, from the committee on local legislation, reported favorably to the bill—

To repeal an act to incorporate the Society Hill High school ;

Which was read three times, under a suspension of the constitutional rule, and passed.

The House concurred in the Senate amendment to the House bill—

To incorporate the town of Seale, in the county of Russell.

#### PUBLIC PRINTING.

Mr. Taylor, from the committee on public printing, recommended the printing of one thousand copies of the report of



the superintendant and trustees of the Alabama institution for the deaf and dumb and the blind ;

And 500 copies of the report of the trustees of the freed-man's hospital located near the city of Talladega ;  
Which was concurred in.

#### PUBLIC ROADS AND HIGHWAYS.

Mr. Payne, from the committee on public roads and highways, reported favorably to the bill—

Requiring justices of the peace in Clay county to act as supervisors of public roads, with an amendment, that the provisions of the bill shall apply to Blount county ;

Which was adopted ;

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

The title was amended by inserting the words "and Blount" after the word "Clay," and changing the word "county" to "counties."

Mr. Payne, from same committee, reported favorably to the Senate bill—

To authorize Thomas M. Knight to erect a mill dam across the Warrior river;

Which was read a third time under a suspension of the constitutional rule, and passed.

#### INTRODUCTION OF BILLS.

Mr. Thompson introduced a bill—

To inflict penalties upon common carriers and their agents for violation of laws in making unjust and illegal distinction based on color, race or previous condition ;

Which was read a first time, and ordered to a second reading.

The following message was received from the Governor, through Mr. Chardavoyne :

Mr. Speaker :

The governor has approved the following bills, originating in the House of Representatives :

For the relief of the Alabama institution for the deaf and the dumb and the blind.

To authorize parties interested to publish all notices required by law in any newspaper such party may designate,

so far as relates to the counties of Cherokee, Limestone and Madison.

To authorize Mrs. Martha Ferrell, administratrix of the estate of Archelos Ferrell, deceased, to sell certain property at private sale.

To regulate the collection and paying out the county tax of Covington county.

To authorize John Rudolph of Butler county to erect gates across the public road leading from Greenville to Mount Willing, at the county line between the counties of Butler and Lowndes.

To furnish a tract book for the county of Dale.

To prohibit the retailing of vinous or spirituous liquors within two miles of the Methodist Episcopal church at Robinson Springs, in the county of Elmore.

To authorize the court of county commissioners of Autauga county to borrow money and issue the bonds of the county for the same.

To prohibit the sale of spirituous liquors within three miles of Ramah church, in Barbour county.

To prevent the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, within one mile of Damascus church, in Butler county.

To incorporate the town of Ashland, in the county of Clay.

To relieve Bedford J. Hamilton, a blind minister, and his minor son, Alexander Hamilton, formerly of the county of Sumter.

To authorize Simpson and Baker, owners of a steam mill in Lawrence county, to take one-seventh toll, as compensation for services.

Joint memorial to the Congress of the United States, asking for a grant of public lands to the Columbus, Fayette and Decatur railroad.

To amend an act to authorize the publication of the laws of the State of Alabama, approved October 10, 1868.

To amend the charter of the city of Opelika.

For the relief of J. B. Johns of Montgomery.

To establish an inferior court of record for the county of Wilcox, with criminal and civil jurisdiction.

In compliance with the resolution of the two Houses to take a recess until the 10th day of January next,

On motion of Mr. Bulger—

The House adjourned to meet again on the 10th day of January next, at 12 o'clock, m.

## TWENTY-SEVENTH DAY.

WEDNESDAY, January 10, 1872.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Payne of the House.

The journal of December 19th, was read and approved.

## CALL OF THE ROLL.

Upon the call of the roll the following members answered to their names :

Messrs. Speaker, Alley, Ashurst, Benson, Black, Boyd, Bradford, Bullock, Callaway, Carlin, Carmichael, Clark, Cochran, Craig, Crook, Curtis, Doster, Dozier, Etheridge, Gaskin, Gee, Graham, Green, Hitchcock, Holmes of Sumter, Johnson of Dallas, King, Knox, Lowe, McCall, McCaskey, Marlowe, Moore, Oates, Payne, Powell, Rice, Semmes, Sims, Taylor of Lauderdale, Thompson, Toulmin, Tyler, Ware, Wells, White and Williams—47.

On motion of Mr. Boyd—

The House adjourned until to-morrow morning 10 o'clock.

## TWENTY-EIGHTH DAY.

THURSDAY, January 11, 1872.

House met pursuant to adjournment.

Prayer by Rev. Mr. White, of Clay.

The journal of yesterday was read and approved.

## CALL OF THE ROLL.

Upon the call of the roll, the following members answered to their names:

Messrs. Speaker, Alley, Appleton, Benson, Black, Box, Boyd, Bradford, Bulger, Bullock, Callaway, Carlin, Carmichael, Clark, Cochran, Cowan, Craig, Crook, Curtis, Doster, Duskin, Gee, Graham, Grayson of Madison, Green, Hitchcock, Hodo, Holmes of Sumter, Hurt, Johnson of Coosa, Johnson of Dallas, King, Knox, Leath, Lowe, Lumpkin, McCall, Mancill, Marlowe, Moore, Payne, Powell, Rice,

Semmes, Sims, Smith of Choctaw, Speake, Speed, St. Clair, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Toomer, Toulmin, Tyler, White and Williams—56.

On motion of Mr. Bullock—

The vote on the adoption of the resolution, dispensing with the services of assistant door-keeper the balance of the session ;

Was reconsidered.

And the question being on the adoption of the resolution, was put and lost.

On motion of Mr. Speake—

The vote on the adoption of the resolution paying George Y. Jarvis five dollars per day for his services as assistant door-keeper ;

Was reconsidered.

And the question being on the adoption of the resolution, was put and lost.

Message from the Senate, by Mr. Whiting—

SENATE CHAMBER,  
January 11, 1872. }

Mr. Speaker :

The Senate has passed House bill as follows:

To amend "an act to incorporate the city of Demopolis," approved January 20th, 1866.

M. P. BLUE,  
Secretary.

#### CALL OF THE COUNTIES.

Upon the call of the counties, the following bills were introduced :

By Mr. Doster—

Bill (accompanied with petition), to authorize the corporate authorities of the town of Prattville to subscribe to the capital stock of the South and North Alabama railroad company ;

Which was read twice, under a suspension of the constitutional rule, and referred to a special committee of five, as follows:

Messrs. Doster, Bulger, Wyman, Knox, and Taylor of Lauderdale.

By Mr. Doster—

To incorporate the town of Prattville.

By Mr. Carmichael—

To preserve order at China Grove camp ground, in the county Dale.

Also,

To incorporate the Protection hook and ladder company No 1, of Selma.

By Mr. Oates—

To incorporate the town of Gordon, in Henry county.

All of which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on corporations.

By Mr. Doster—

For the relief of the Methodist Episcopal church south, at Prattville.

By Mr. Haralson—

To prohibit the sale of lottery tickets to minors in this State.

By Mr. Oates—

To regulate the assessing and collecting of the poll tax in the State of Alabama.

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means.

By Mr. Black—

For the protection of mechanics in this State.

By Mr. Lumpkin—

To make valid the record of conveyances which were recorded between the 11th day of January, 1861, and the 21st September, 1865.

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Black—

To repeal "an act to change the lines between the counties of Barbour and Russell."

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on counties and county boundaries.

By Mr. Black—

For the relief of Henry R. Wales, a minor.

By Mr. Crook—

For the relief of Caroline J. Alford, of Montgomery county.

By Mr. Moore—

To accommodate the voters in elections for members of the commissioners court of Coffee county.

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. McCall—

To incorporate the J. H. Clanton hook and ladder company No. 1, at Union Springs.

Which was read three times, under a suspension of the constitutional rule, and passed.

By Mr. Powell—

To require persons in township 14, range 17, Montgomery county, to keep stock within their own enclosures.

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on agriculture.

By Mr. Moore—

To make notaries public apportioners of work hands on roads in certain cases ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on roads and highways.

By Mr. Moore—

To protect minors.

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

Also,

For the relief of Adaline Armour, of Coffee county, and others ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. Moore—

To amend an act changing the name of Laura Terry of Geneva county ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Toomer moved to lay the bill on the table ;

Which was lost.

And the bill was referred to the committee on local legislation.

By Mr. Moore—

For the benefit of A. J. Cole, of Coffee county ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Toomer moved to lay the bill on the table ;  
Which was lost.

Mr. Toomer moved to refer the bill to a special committee  
of three ;

Which was lost,

And the bill was referred to the committee on the military.

By Mr. Moore—

To raise revenue for the State ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means.

Also,

A bill, mandatory on the court of county commissioners ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means, with instructions to report next Wednesday.

By Mr. Marlowe—

To incorporate Stonewall Institute, Dallas county ;

Which was read a first time ;

And, on motion of Mr. Lewis, was laid on the table.

By Mr. Haralson—

To regulate publication of legal and other notices, approved August 12, 1868, and October 10, 1868, so far as the same relates to the county of Dallas ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on public printing.

By Mr. Bullock—

To allow claims not re-filed against insolvent estates, when settled as solvent estates ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on the revision of the laws.

By Mr. Bullock—

To extend the time for the collection of taxes for the year 1871, and to extend the time for selling the real and personal property levied on for taxes unpaid for said year, in the county of Greene ;

Which was read three times, under a suspension of the constitutional rule, and passed.

By Mr. Oates—

For the relief of Mrs. Jeremiah J. Dumas, of Russell county ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on accounts and claims.

Mr. Oates, by leave—

Offered the following preamble and resolution, which were adopted :

Whereas, Paul Strobach, of Montgomery county, was, on the 7th day of November, 1871, elected sheriff of said county, and did qualify as such, and assume the discharge of the duties of said office ; therefore—

Resolved by the House of Representatives, That such election and qualification as sheriff aforesaid was a forfeiture and abandonment of his seat in this House, and the said seat became vacant from the date of his election and qualification as such sheriff.

The following message was received from the Governor, by Mr. Chardavoyne :

EXECUTIVE DEPARTMENT,  
MONTGOMERY, January 10, 1872, }

Gentlemen of the Senate  
and House of Representatives :

Since your recent adjournment, the popular heart of the country has been sorrowfully impressed by the death of ex-Governor John Anthony Winston, who, after protracted suffering, expired at his home in the city of Mobile, on the 21st day of December.

His name will always occupy an eminent and honorable place in the history of Alabama. The ability, patriotism, firmness and fidelity which distinguished him in the execution of every public trust confided to him, will secure to his memory the enduring gratitude and veneration of the people of this State.

Neither honors nor eulogy " can soothe the dull, cold ear of death ;" yet it is profitable to the living to commemorate the virtues of the dead.

I therefore hope it will please the general assembly to perpetuate in their records a solemn tribute to the life and character of John Anthony Winston.

ROBT. B. LINDSAY.

Mr. Toulmin offered the following preamble and resolutions, which were adopted :

Whereas, His excellency the Governor has informed this



House of the death of ex-Governor John Anthony Winston ;  
therefore—

Resolved, That this House has received with profound sorrow the information of the death of this distinguished citizen, whose patriotic service and noble character have associated his name with the history of the State.

Resolved, That as a testimonial of the respect this House entertains for the memory of the deceased, the members wear the usual badge of mourning for thirty days.

Resolved, That as a further testimonial of respect to the memory of the deceased, this House do now adjourn until 10 o'clock to-morrow morning.

And the House stood adjourned until to-morrow morning at 10 o'clock.

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TWENTY-NINTH DAY.

FRIDAY, January 12, 1872.

House met pursuant to adjournment.

Prayer by Rev. Mr. Murrah, of the House.

The journal of yesterday was read and approved.

#### CALL OF THE COUNTIES.

Upon the call of the counties, the following bills were introduced :

By Mr. Hewitt—

To amend an act to establish a charter for the town of Elyton, in the county of Jefferson.

By Mr. Taylor of Lauderdale—

To incorporate the town of Waterloo, in Lauderdale county.

By Mr. Raisler—

To incorporate the town of Elkmont, in Limestone county.

By Mr. Lewis—

To establish a new charter for the town of Montevallo, in Shelby county.

By Mr. Bulger—

To incorporate the town of Youngsville, in Tallapoosa county ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on corporations.

By Mr. Taylor of Lauderdale—

To supply the county of Lauderdale with a tract book of said county ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on accounts and claims.

By Mr. Speake, (by request)—

To regulate the practice in suits for divorce.

Also, (by request,)

To regulate and restrain the dismissal of suits in all the courts of this State.

Also, (by request,)

For the legitimation of all children born in this State after July 4, 1872.

Also, (by request,)

To make fornication marriage in certain cases, after July 4, 1872.

By Mr. Raisler—

For the more equitable distribution of assets of decedents estates.

By Mr. Lowe—

To authorize proceedings in courts of probate against unknown heirs of deceased persons.

By Mr. Boyd—

A bill to provide for the election of chancellors in the western and eastern chancery divisions of Alabama.

By Mr. Toulmin—

A bill in relation to the competency of witnesses.

By Mr. Curtis—

A bill to amend section 16 of an act to establish revenue laws for the State of Alabama ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Toomer—

A bill to change the boundary line between Lee and Tallapoosa counties, so as to include the northeast quarter of section 14, and the east half of section 16, township 20, range 24, in Lee county ;

Which was read three times, under a suspension of the constitutional rule, and passed by the constitutional majority of two-thirds.

By Mr. Knox—

A bill to regulate the publication of legal notices in the county of Montgomery.

By Mr. Box—

A bill to repeal the following named acts, so far as they relate to the county of St. Clair :

“To regulate the publication of legal and other notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence,” approved March 3, 1870 ;

“ To amend an act to regulate the publication of legal and other notices in the State of Alabama,” approved October 10, 1868.

And “an act to regulate the publication of legal and other notices in the State of Alabama,” approved August 12, 1868.

By Mr. Bulger—

A bill authorize Mrs. Nancy J. Hollingsworth to sell certain lands therein described ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

By Mr. Sims—

A bill to change the line between the counties of Lee and Chambers ;

Which was read twice, under suspension of the constitutional rule, and referred to a special committee composed of the members of the counties of Lee and Chambers.

By Mr. Raisler—

A bill to protect farms and other enclosures in this State ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on agriculture.

By Mr. Lowe—

A bill to amend sections 1756 and 1757 of the Revised Code.

Also, a bill to authorize the executor of Mary Wall, deceased, to sell certain lands at private sale ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

Also, a joint memorial to congress in relation to refunding the tax collected on cotton during the years 1865, 1866 and 1867 ;

Which was read and adopted.

By Mr. Raisler—

A bill to amend an act to regulate elections in this State ;

Which was read twice under a suspension of the constitu-

tional rule, and referred to the joint committee of the two Houses on elections.

By Mr. Toulmin—

A bill to authorize the sale of the swamp and overflowed lands to the Mobile & Northwestern Railroad Company on the terms therein stated ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Knox—

A bill to prevent the selling of liquors within four miles of Bethsaida and Hopewell churches in Montgomery county.

By Mr. Graham—

A bill to authorize the administrator of the estate of Alfred Fuller, deceased, to sell the lands belonging to said estate.

By Mr. Bulger—

A bill to prohibit the sale of vinous or spirituous liquors within one mile of Camp Hill church, in Tallapoosa county.

Which were severally read twice under a suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. Boyd—

A bill to protect the State of Alabama against the illegal and fraudulent issue of bonds and, securities, and for other purposes connected therewith ;

Which was read twice, under a suspension of the constitutional rule, and referred to the special committee on railroads.

By Mr. Curtis—

A bill to amend section 97 of the revenue laws of the State of Alabama, approved December 31, 1868.

By Mr. Davis—

A bill to allow G. W. S. Hunter, a blind man, of Randolph county, to show certain things therein named free of State and county license ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means.

By Mr. Davis—

A bill to repeal section 1374 of the Revised Code, so far as the same relates to the county of Randolph ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on the revision of the laws.

Mr. Bulger presented a memorial to the general assembly, from the Tallassee Manufacturing company No. 1, on the subject of the taxation of their property, asking relief therefrom ;

Which was referred to the committee on way and means.

By leave, Mr. Grayson of Madison offered the following resolution ;

Which was adopted.

Resolved, That the door-keeper be, and he is hereby required to retain two hundred copies of the last annual report of the superintendent of the Alabama insane hospital, for the use of the said superintendent.

Mr. Bulger offered the following resolution :

Resolved, That alter the next call of the counties is completed, no further call of the counties shall be had until the several committees shall have completed their reports, and all Senate bills now in the possession of the House, and bills on their second and third readings, disposed of ;

Which was lost

Yeas 30, nays 35.

Yeas—Messrs. Boyd, Bulger, Bullock, Cowan, Craig, Dinkin, Ellison, Gee, Grayson of Madison, Green, Haralson, Hewitt, Holmes of Sumter, Hurt, Johnson of Dallas, Lowe, McCaskey, McDermott, Murrah, Payne, Rice, Semmes, Smith of Choctaw, Smith of Sumter, Smitherman, St. Clair, Thompson, Toulmin and Wells—30.

Nays—Messrs. Speaker, Alley, Appleton, Ashurst, Benson, Black, Box, Bradford, Bulger, Callaway, Carlin, Carmichael, Clark, Doster, Dozier, Graham, Henry, Hitchcock, Johnson of Coosa, Knox, Lewis, Lumpkin, Mancill, Marlowe, Powell, Raisler, Sims, Speake, Speed, Steele, Taylor of Lauderdale, Taylor of Winston, White, Williams and Wyman—35.

#### ENEOLLED BILLS.

Mr. Powell, from the committee on enrolled bills, reported as correctly enrolled the bill—

To amend an act to incorporate the city of Demopolis, approved January 20, 1866.

Message from the Governor, by his private secretary, Mr. Chardavoyne :

Mr. Speaker :

I am directed by the Governor to inform you that he has

approved the following bills originating in the House of Representatives:

To establish an inferior court of record in the town of Courtland.

To relieve Mary I. Harris, of Sumter county, from settling her guardian accounts in the probate court of said county for the space of five years.

To amend an act to establish the canebrake agricultural district, to provide for the securing of the same, and the management of its affairs.

To incorporate the town of Seale, in the county of Russell.

To repeal an act to regulate the publication of legal and other notices in the State of Alabama, approved August 12, 1868, and an act to amend the same, approved October 10, 1868.

To authorize the corporate authorities of the city of Mobile to establish and maintain public parks within the limits of said city.

W. V. CHABDAVOTNE,  
Private Secretary.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the

#### GENERAL ORDERS.

The first in order being the bill—

To establish revenue laws for the State of Alabama;

Which was read a third time.

And the question being upon its passage, it was put and lost.

Mr. Boyd moved to reconsider the vote just taken on the passage of the revenue bill ;

And it was put and lost.

#### LEAVE OF ABSENCE.

Leave of absence was granted Messrs. Clements, Dustan and Miller, for two days, and to Mr. Smith of Greene indefinitely.

The bill—

For the relief of Arm Eliza Shelton, of Montgomery county,

Was read a third time ;

And, the question being on the passage of the bill,

On motion of Mr. Toomer, it was recommitted to the committee on the judiciary.

The bill---

To change the county boundaries of Barbour and Russell,  
Was read a third time.

Mr. Black moved the indefinite postponement of the bill.

Mr. Henry moved to lay Mr. Black's motion on the table ;

Which was carried.

And the bill passed by the constitutional majority of two-thirds of the house.

The bill—

To repeal an act to increase the fees of public officers in Mobile county,

Was read a third time and passed.

Mr. Powell asked leave to withdraw from the possession of the committee on finance, as also from the possession of the House, the bill—

To fund the outstanding debts of Lowndes county, and for other purposes ;

Which was granted.

By leave, Mr. Smith of Choctaw, introduced a bill—

To establish revenue laws for the State of Alabama ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Lewis moved to amend section 79 by striking out the words " double " in fourth line, and insert the words "with twenty per cent. thereon," after the word " money " in the same line.

Mr. Oates moved to amend the amendment by striking out "twenty" and inserting "fifty,"

Which, on motion of Mr. Knox, was laid on the table.

The amendment of Mr. Lewis was adopted.

Mr. Boyd moved to strike out the word " personal " in subdivision 9 of section 3 ;

Which was laid on the table.

Mr. Johnson of Coosa moved to strike out subdivision 9 of section 3;

Which was lost.

Yeas 22, nays 46.

Yeas—Messrs. Benson, Bulger, Bullock, Carmichael, Curtis, Davis, Doster, Dozier, Ellison, Graham, Henry, Hewitt, Hodo, Johnson of Coosa, Lewis, Murrah, Payne, Raisler, Semmes, Strauss, Toulmin and Wyman—22.

Nays—Messrs. Speaker, Alley, Appleton, Ashurst, Black,

Boyd, Carlin, Clark, Cochran, Craig, Diggs, Duskin, Gaskin, Grayson of Madison, Green, Haralson, Hitchcock,, Holmes of Sumter, Hurt, Johnson of Dallas, King, Knox, Lowe, Lumpkin, McCall, McCaskey, McDermott, Marlowe, Moore, Oates, Powell, Sims, Smith of Choctaw, Smitherman, Speake, Speed, Steele, Taylor of Lauderdale, Taylor of Winston, Thompson, Toomer, Tyler, Wells, White and Williams—46.

Mr. Taylor of Lauderdale moved to strike out subdivision 15 of section 3.

Mr. Knox moved to lay Mr. Taylor's motion on the table ;  
Which was lost.

And the amendment of Mr. Taylor was adopted.

Mr. Cochran moved to strike out section 13 ;

Which, on motion of Mr. Boyd, was laid on the table.

Mr. Duskin moved to amend subdivision 22 of section 6 by inserting, after the word "all," the words " net income derived from;"

Which, on motion of Mr. Hewitt, was laid on the table.

Mr. Knox moved to amend section 4 line 3, by inserting, after the words " one dollar," the words " and fifty cents ;"

Which was adopted.

Mr. Toulmin moved to amend section 12, subdivision 3, by inserting, in the 23d line, after the words " gross premiums," the words " less the expenditures, and in the case of life insurance companies so chartered or organized, the necessary reserve fund of said companies ;"

Which was lost.

Mr. Toomer moved to amend section 3, subdivision 4, by striking out the word "public," where it occurs in the sixth line, and insert, after the words "and the grounds," the words " used exclusively for school purposes ;"

Which was laid on the table.

Mr. Hewitt moved to amend section 112, subdivision 9, by striking out "five" and inserting " five hundred."

Mr. Bullock moved to amend the amendment by inserting " two hundred and fifty ;"

Which was lost.

Mr. Semmes moved to strike out subdivision 9 ;

Which was laid on the table.

Yeas 42, nays 20.

Yeas—Messrs. Speaker, Alley, Box, Boyd, Bullock, Callaway, Carlin, Carmichael, Clark, Cowan, Curtis, Davis, Doster, Dozier, Duskin, Gaskin, Graham, Grayson of Madison, Henry, Hewitt, Hitchcock, Hodo, Hurt, Johnson of Coosa, Knox, Lumpkin, McCall, McCaskey, Moore, Murrah, Oates, Payne,



Rice, Semmes, Smith of Choctaw, Smitherman, Speake, St. Clair, Steele, Taylor of Lauderdale, Thompson, Wells, and White—42.

Nays—Messrs. Ashurst, Benson, Bulger, Cochran, Craig, Diggs, Ellison, Haralson, Johnson of Dallas, King, Lewis, Lowe, McDermott, Marlowe, Semmes, Strauss, Toomer, Toulmin, Tyler and Wyman—20.

Mr. Knox moved to amend the amendment by inserting " one hundred ;"

Which was laid on the table.

Mr. Strauss moved to amend the amendment by inserting " two thousand ;" Which was laid on the table.

Mr. Cochran moved to amend the amendment by inserting "one thousand" in the place of "five hundred :"

Which was adopted.

And the amendment of Mr. Hewitt, as amended, was adopted.

Mr. Toomer moved to amend section 112, subdivision 9, by inserting, after the words " keno table," the following, " faro bank and house of prostitution."

Mr. Knox moved to amend the amendment by striking out all after " faro bank " and inserting, " and all other gaming tables."

On motion of Mr. Oates—

The amendment and the amendment to the amendment, Were laid on the table.

Mr. Boyd moved to strike out subdivision 18 of section 111 ; Which was adopted.

Mr. Grayson of Madison moved to strike out subdivision 30 of section 111 ;

Which was lost.

Mr. Bullock moved to strikeout the words " attorney general," in section 119, and insert the word "auditor ;"

Which was adopted.

On motion of Mr. Johnson of Dallas—

The House adjourned until to-morrow morning 10 o'clock.

## THIRTIETH DAY.

SATURDAY, January 13, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Kinzer.

The journal of yesterday was read and approved.

On motion of Mr. Ellison—

The vote on the passage of the bill—

To repeal an act to increase the fees of public officers of Mobile county,  
Was reconsidered.

## BILLS INTRODUCED.

Mr. Bulger introduced a bill—

To authorize B. F. Moseley, administrator of the estate of Lewis B. Moseley, deceased, to rent certain property privately ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Mr. Wyman introduced a bill to repeal "an act to amend an act to establish revenue laws for the State of Alabama, approved February 9, 1870 ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means.

On motion of Mr. Oates, the Senate bill to authorize the sheriff of Bullock county to sell property on any Monday in the month, was taken from the table and placed among the general orders.

## WAYS AND MEANS.

Mr. Oates, from the committee on ways and means, reported favorably to the bills—

To repeal an act authorizing the commissioners court of Sumter county to levy additional tax for county purposes.

To authorize the commissioners court of Monroe county to levy a special tax ;

Which were severally read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, adversely to the bill—

For the relief of the city hospital of Mobile ;

Which was concurred in.

Also, from the same committee, adversely to the bill—

To regulate the fees of jurors and witnesses of the county of Montgomery ;

Which was concurred in.

Also, from same committee, adversely to the bill—

For the relief of John B. Davis, tax collector of the county of Greene ;

Which was concurred in.

Also, from same committee, favorably to the bill—

To authorize Williamson Spears of Coosa county to peddle without license, with an amendment as follows :

"Provided, This act shall not be construed to allow said Spears to peddle liquor of any description whatever, or to peddle any goods not his own exclusive property" ;

Which was adopted.

Mr. Steele moved to amend the bill by inserting the name of M. S. Gray of Colbert county ;

Which was lost.

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

Also, from same committee, favorably to the bill—

To amend an act to establish revenue laws for the State of Alabama ;

Which was read a third time, under a suspension of the constitutional rule, and passed.

Also, from same committee, adversely to the following bills—

All of which were severally concurred in :

To secure success to railroads in this State.

To amend section 80 of "an act to establish revenue laws for the State of Alabama," approved December 31, 1868.

To amend subdivision 4 of section 112 of "an act to establish revenue laws for the State of Alabama."

To relieve Mrs. Harriet C. Young of Marengo county, from the payment of excessive taxes.

To amend subdivision 4 of section 3 of "an act to establish revenue laws for the State of Alabama," approved December 31, 1868.

To repeal subdivision 11 of section 112 of the revenue laws of Alabama.

Also, from same committee, to which was referred a resolution directing said committee to inquire into the expediency

of raising \$200,000, or so much as may be necessary to meet outstanding warrants on the treasury ;

Reported that the object contemplated by said resolution had already been provided for by a bill to regulate and relieve the finances of the State.

The report was concurred in.

Also, from same committee, adversely to the bill to amend section 47 of "an act to establish revenue laws for the State of Alabama," approved December 31, 1868.

The report was not concurred in, and the bill was referred to a special committee of seven, to-wit : Messrs. Taylor of Lauderdale, Hewitt, McCall, Speake, Bullock, White and Steele.

Also, from same committee, adversely to the bill—

To repeal subdivision 18 of section 112 of the revenue law of Alabama.

Mr. White moved to lay the report on table ;

Which was lost, and the report was concurred in.

Also, from same committee, adversely to the bill—

For the relief of the sureties of Lafayette M. Stiff, late receiver of public moneys at the land office at Centre, Ala.

On motion of Mr. Hewitt, the report was laid on the table.

Also, from same committee, favorably to the bill—

To enforce the collection of taxes from express companies, with an amendment as follows :

Strike out the words " having notice of, " in the 20th line of section 2 ;

Which was adopted, and the further consideration of the bill was postponed and made the special order for Tuesday next at 12 o'clock.

Message from the Senate, by Mr. Whiting:

Mr. Speaker :

The Senate has passed House bills as follows :

To prescribe the time of holding the circuit courts in the 10th judicial circuit.

To authorize the redemption of lands sold for taxes and purchased by the State.

For the relief of maimed officers and soldiers who belonged to military organizations and served in the armies of this State during the late war.

To authorize Matthew D. Moore and Bell Taylor, guardians

of the estate of Margaret Taylor, a lunatic, to sell the personal property of said estate at private sale.

To authorize Amos M. Elliott, administrator de bonis non of the estate of James Cobb, deceased, late of Shelby county, to sell the lands of said estate.

To prohibit the sale of liquors within three miles of the Methodist church at Moscow, in Sandford county.

The Senate has originated and passed bills as follows :

To refund a license tax to Fowler & House of the county of Montgomery, improperly taxed.

To amend "an act to make the circuit court clerk of Autauga county ex-officio clerk of the county court."

For the relief of Mrs. Nancy Brown of Troy, Pike county.

To prevent the sale of liquors within four miles of Hopewell Baptist church and the Magnolia Academy, in Lowndes county.

To relieve H. Z. Wadsworth of Autauga county of non-age.

To prohibit the sale of liquors within two miles of Andrew chapel, in Coosa county.

For the relief of E. B. Raney of Tallapoosa county.

The Senate has adopted a joint resolution, which is herewith transmitted.

M. P. BLUE,  
Secretary.

On motion of Mr. Oates—

The vote concurring in the adverse report of the committee to the bill—

For the relief of John B. Davis, tax collector of the county of Greene, was reconsidered ;

And the question being on concurring, it was put and lost.

Mr. Bullock moved to amend by striking out the words "John B. Davis, tax collector of Greene county, be and he is hereby allowed to draw his warrant on the treasurer," and insert in lieu thereof as follows : "the auditor be authorized and required to draw his warrant on the treasurer in favor of John B. Davis, late tax collector of Greene county" ;

Which was adopted, and the bill was read a third time and lost.

By leave, Mr. Henry introduced a bill—

To ratify and legalize an election held in the town of Seale, in the county of Russell, on the 8th of January, 1872 ;

Which was read three times, under a suspension of the constitutional rule, and passed.

#### GENERAL ORDERS.

The hour of twelve o'clock having arrived, the House proceeded to the consideration of the general orders.

The first in order being the bill—

To establish revenue laws for the State of Alabama.

Mr. Lewis moved to amend section 86, by striking out in line 13, the words "and shall be conclusive evidence of the following facts":

And strike out the word "except" in line 25, and strike out the whole of line 26, and the word "only" in line 27 ;

Which was adopted.

Yeas 47, nays 20.

Yeas—Messrs. Speaker, Appleton, Ashurst, Black, Boyd, Box, Bulger, Bullock, Calloway, Carmichael, Clark, Cowan, Crook, Diggs, Gilchrist, Graham, Grayson of Clark, Greene, Henry, Hewitt, Hitchcock, Hodo, Hurt, Johnson of Coosa, King, Knox, Lewis, Lindsay, Lowe, Lumpkin, Marlowe, Murrah, Payne, Powell, Semmes, Smith of Choctaw, Smith of Sumter, Smitherman, Speake, Speed, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Toulmin, Williams and Wyman—47.

Nays—Messrs. Bradford, Carlin, Curtis, Davis, Poster, Dozier, Duskin, Gaskin, Gee, Haralson, Johnson of Dallas, McCall, McCaskey, Gates, Rice, St. Clair, Thompson, Tyler, Wells and White—20.

Mr. Oates moved to amend line 9, page 55, by striking out the figures "1870" and inserting "1871";

Which was adopted.

Also, amend subdivision 16, on page 5, by adding the word "dogs";

Which, on motion of Mr. Hewitt,

Was laid on the table.

Yeas 36, nays 33.

Yeas—Messrs. Speaker, Alley, Appleton, Black, Bradford, Callaway, Clark, Cowan, Diggs, Dozier, Duskin, Gilchrist, Graham, Grayson of Madison, Green, Hewitt, Hitchcock, Hurt, Johnson of Coosa, King, Lewis, Lumpkin, McCaskey, Payne, Powell, Smith of Choctaw, Smitherman, Speake, St. Clair, Taylor of Winston, Thompson, Toulmin, Tyler, White and Wyman—36.

Nays—Messrs. Ashurst, Box, Boyd, Bulger, Bullock, Carlin, Carmichael, Cochran, Craig, Crook, Davis, Doster, Ellison, Gee, Grayson of Clarke, Haralson, Henry, Hodo, Johnson of Dallas, Knox, Lindsay, Lowe, McCall, Marlowe, Murrah, Oates, Rice, Semmes, Smith of Sumter, Speed, Steele, Strauss, Taylor of Lauderdale and Williams—33.

Mr. Semmes moved that the House adjourn until to-morrow morning 10 o'clock ;

Which was lost.

Yeas 30, nays 41.

Yeas—Messrs. Speaker, Alley, Black, Box, Clark, Cochran, Craig, Davis, Diggs, Doster, Dozier, Duskin, Gaskin, Gee, Grayson of Clark, Green, Haralson, Johnson of Dallas, King, Knox, Lindsay, McCaskey, Semmes, Smith of Sumter, Speed, Strauss, Thompson, Toulmin, Wells and Williams—30.

Nays—Messrs. Appleton, Ashurst, Boyd, Bradford, Bulger, Bullock, Callaway, Carmichael, Cowan, Crook, Ellison, Gilchrist, Graham, Grayson of Madison, Henry, Hewitt, Hitchcock, Hodo, Hurt, Johnson of Coosa, Lewis, Lowe, Lumpkin, Mancill, Marlowe, Murrah, Gates, Payne, Powell, Raisler, Rice, Smith of Choctaw, Smitherman, Speake, St. Clair, Steele, Taylor of Lauderdale, Taylor of Winston, Tyler, White and Wyman—41.

The House resumed the consideration of the revenue bill.

Mr. Hewitt moved the previous question, and the question being,

“Shall the main question be now put ;”

It was put and carried.

And the bill was ordered to a third reading on to-morrow.

Message from the Senate, by Mr. Whiting:

SENATE CHAMBER,  
January 13, 1872. }

Mr. Speaker :

The Senate has originated and passed House bills as follows :

For the relief of Thomas H. Mabson, jr., of the county of Bullock.

To make Mrs. Matilda Beasley, of Bullock county, a free-dealer.

For the relief of Daniel J. Campbell from the disabilities of non-age.

M. P. BLUE,  
Secretary.

On motion of Mr. Knox—

The House adjourned until Monday morning 10 o'clock.

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THIRTY-FIRST DAY.

MONDAY, January 15, 1872.

House met pursuant to adjournment.

Prayer by Rev. Mr. Morris, of Clay.

The journal of Saturday was read and approved.

CALL OF THE COUNTIES.

Upon the call of the counties, the following bills were introduced :

By Mr. Black, a bill (with petition)—

For the relief of Charles Burns, of the county of Barbour.

By Mr. White—

To repeal "an act to increase the fees of public officers of Mobile county," approved December 7, 1866, so far as relates to fees to be paid from the State treasury.

By Mr. Marlowe—

To establish additional revenue laws for the State of Alabama.

By Mr. Oates—

To restrain the tax collector of Barbour county from collecting excessive tax from William P., John C., and Henry C. Copeland, for the year 1871 ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means.

By Mr. Smitherman—

To prevent the sale of spirituous liquors within two miles of Black Jack church in Bibb county.

By Mr. Ware—

To prevent the sale of liquors within two miles of Soule Chapel, in the county of Chambers.

By Mr. Marlowe—

To prohibit the sale of liquors within three miles of Stonewall Institute, in the county of Dallas.

By Mr. Appleton—



To regulate, the registration of claims against the county of DeKalb ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. White—

To limit the jurisdiction of notaries public, in the county of Clay ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Black moved to amend by inserting, "and Barbour," after "Clay," and changing the word "county" to "counties";

Which bill was adopted,

And the bill referred to the committee on the judiciary.

By Mr. Leath—

To declare the Coosa river a lawful fence within the limits of Cherokee county ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on agriculture.

By Mr. Smith of Choctaw—

To authorize B. L. Turner, of Choctaw county, to redeem certain land sold for taxes, and purchased by the State.

Also,

To authorize the administrator of the estate of Thomas Gough, deceased, to sell certain lands at private sale ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

Also,

To authorize Warner Bailey, of Choctaw county, to erect gates across the public highways ;

Which was read twice, under a suspension of the constitutional rule, and referred to a special committee of three, as follows :

Messrs. Smith of Choctaw, Holmes of Sumter, and Smitherman.

By Mr. Moore—

To authorize John E. Bishop, guardian of W. F. Pool, and Nancy E. Pool, to sell lands at private sale ;

Which was read twice, under a suspension of the constitutional rule, and referred to a special committee of three, as follows : Messrs. Moore, Sims and Toomer.

Also,

To authorize the levy and collection of a general tax in Coffee county ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Also,

To secure Alabama full representation in the event of increase in the number of representatives in the Congress of the United States.

By Mr. Appleton—

To create a new voting precinct in DeKalb county ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on privileges and elections.

Mr. Johnson of Coosa—

A joint resolution to amend the constitution ;

Which was read twice, under a suspension of the constitutional rule, and referred to the joint committee of the two houses on the subject of proposing amendments to the constitution.

On motion of Mr. Lewis, the vote by which the bill—

For the relief of John B. Davis, tax collector of Greene county, was lost on yesterday, was reconsidered ;

And the bill was made the special order for Wednesday next, 12 o'clock.

By Mr. Carmichael—

To repeal section 1831 of the Revised Code.

Also,

To amend 3705 of the Revised Code.

By Mr. Bullock—

To amend section 1353 of the Revised Code.

By Mr. Duskin—

To amend section 2664 of the Revised Code.

By Mr. Oates—

To amend section 3046 of the Revised Code.

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the revision of the laws.

By Mr. Marlowe—

To amend an act to revive and amend an act to incorporate the Alabama mining and manufacturing company ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on corporations.

By Mr. Johnson of Dallas—

To amend section 3598 of the Revised Code ;

Which was read twice, under a suspension of the constitutional rule ;

And, on motion of Mr. Oates, was laid on the table.

By Mr. Appleton—

To facilitate the collection of 16th section notes, as far as relates to the county of DeKalb ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on education.

By Mr. Benson—

To authorize L. F. Townsend to sell the real estate of L. P. Saxon, deceased, at private sale.

By Mr. Bullock—

To authorize and require the judge of probate of Greene county to procure books for recording trust on personal property and crop liens.

By Mr. Oates—

To allow actions for the recovery of damages for injuries to the person to be revived in the name of the personal representative of the deceased plaintiff.

Also,

To authorize and empower Daniel McClellan to convey by deed to Charles A. Ingram certain lands in the county of Henry.

Also,

To validity a sale of certain lands in the county of Henry.

Also,

To repeal an act usually known as the search warrant law, approved October 10, 1868.

Also,

To authorize the issuance of possessory warrants in certain cases ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Duskin—

To relieve from the disabilities of non-age Carrie Nelson Goree of Hale county ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Yeas 50, nays 26.

Yeas—Messrs. Alley, Appleton, Black, Bullock, Carlin, Clark, Cochran, Curtis, Diggs, Dozier, Drake, Duskin, Dustan, Ellison, Etheridge, Gaskin, Gee, Gilchrist, Graham, Grayson of Madison, Green, Holmes of Sumter, Hurt, Jonson of Dallas, Kennedy, King, Knox, Leath, Lowe, McCall, McDermott, Mancill, Marlowe, Moore, Murrah, Nininger, Perrin, Rice,

Smith of Choctaw, Smith of Sumter, Smitherman, Speaker St. Clair, Steele, Taylor of Winston, Thompson, Toulmin, Wells, Williams and Wyman—50.

Nays—Messrs. Speaker, Ashurst, Benson, Box, Boyd, Bradford, Bulger, Grayson of Clark, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Lewis, Lindsay, Lumpkin, Oates, Payne, Semmes, Sims, Taylor of Lauderdale, Toomer, Ware, Weatherford and White—26.

By Mr. Oates—

To define the meaning of words and terms used in the acts of the General Assembly, passed at the sessions of 1868, 1869, 1870, 1871 and 1872, and hereafter to be passed ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Also,

A joint resolution on dividing the State into seven (7) congressional districts ;

Which was read twice, under a suspension of the constitutional rule, and made the special order for to-morrow, 12, m.

Also,

To require the indorsement by the State of Alabama of the first mortgage bonds of the Eufaula, Abbeville and Gulf railroad company ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on internal improvements.

#### GENERAL ORDERS.

The hour of twelve o'clock having arrived, the House proceeded to the consideration of the general orders, the first order being the bill—

To establish revenue laws for the State of Alabama ;

Which was read a third time, and passed.

Yeas 58, nays 34.

Yeas—Messrs. Speaker, Appleton, Black, Box, Boyd, Bradford, Bulger, Bullock, Callaway, Carmichael, Cowan, Crook, Davis, Doster, Duskin, Etheridge, Gilchrist, Graham, Grayson of Clark, Grayson of Madison, Hamilton, Haralson, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Hurt, Johnson of Coosa, Leath, Lewis, Lindsay, Lowe, Lumpkin, McCaskey, McDermott, Mancill, Marlowe, Murrah, Oates, Payne, Rice, Semmes, Sims, Smith of Choctaw, Smith of Sumter, Smitherman, Speake, Steele, Strauss, Taylor of

Lauderdale, Taylor of Winston, Toomer, Toulmin, Ware, White and Wyman—58.

Nays—Messrs. Carlin, dark, Cochran, Craig, Curtis, Diggs, Dozier, Drake, Dustan, Gaskin, Gee, Green, Johnson of Dallas, King, Knox, McCall, Nininger, Perrin, Speed, St. Clair, Thompson, Weatherford, Wells and Williams—24.

The bill,

To repeal an act to increase the fees of public officers of Mobile county, being on its passage, was made the special order for the 26 inst., 12, m.

The bill—

To amend an act in relation to appeals from justices' courts, being on its passage, was passed.

The bill—

To amend an act to create a new county, to be called the county of Baker, approved March 2, 1871,

Having received its third reading, was passed.

Senate bill—

To relieve the Montgomery and Eufaula railroad company from the penalty on delinquent taxes for 1870 ;

Was read a third time.

Mr. Boyd moved to postpone indefinitely the further consideration of the bill.

Mr. Black moved to lay the motion to postpone on the table ;

Which was lost—Yeas 22, nays 40,

Yeas—Messrs. Black, Carmichael, dark, Craig, Diggs, Doster, Drake, Duskin, Dustan, Gaskin, Graham, Haralson, Johnson of Dallas, McCall, McCaskey, Marlowe, Oates, Speed, Steele, Strauss, Wells and Williams—22.

Nays—Messrs. Benson, Boyd, Bradford, Bulger, Bullock, Cochran, Cowan, Crook, Curtis, Dozier, Ellison, Etheridge, Gilchrist, Grayson of Clarke, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Hurt, Johnson of Coosa, Knox, Lewis, Lowe, Mancill, Murrah, Nininger, Payne, Perrin, Semmes, Sims, Smith of Sumter, Smitherman, Speake, Taylor of Lauderdale, Thompson, Toomer, Ware, White and Wyman—40.

The question recurring on the indefinite postponement of the bill,

It was put and lost—Yeas 10, nays 60.

Yeas—Messrs. Ashurst, Boyd, Bradford, Bulger, Gilchrist, Holmes of Sumter, Johnson of Coosa, Knox, Perrin and Toomer—10.

Nays—Messrs. Speaker, Alley, Appleton Black, Bullock, Carlin, Carmichael, Clark, Cochran, Cowan, Craig, Crook,

Davis, Diggs, Doster, Dozier, Duskin, Etheridge, Gaskin, Gee, Graham, Grayson of Clarke, Grayson of Madison, Hamilton, Henry, Hewitt, Hitchcock, Hurt, Johnson of Dallas, King, Leath, Lewis, Lindsay, Lumpkin, McCall, McCaskey, Marlowe, Murrah, Nininger, Oates, Rice, Semmes, Smith of Choctaw, Smith of Sumter, Smitherman, Speake, Speed, St. Clair, Steele, Strauss, Taylor of Winston, Thompson, Toulmin, Ware, Weatherford, Wells, White, Williams and Wyman—60.

And the bill was passed.

Senate bill—

For the relief of certain railroads in Alabama ;

Was read a third time and lost—Yeas 31, nays 47.

Yeas—Messrs. Alley, Black, Carmichael, Craig, Davis, Doster, Dustan, Graham, Grayson of Clarke, Grayson of Madison, Haralson, Hewitt, Hitchcock, Hodo, Hurt, Johnson of Dallas, Kennedy, Lindsay, McCall, McDermott, Murrah, Oates, Rice, Smith of Sumter, Smitherman, Speed, Steele, Strauss, Thompson, Toulmin and Wyman—31.

Nays—Messrs. Speaker, Appleton, Ashurst, Box, Boyd, Bradford, Bulger, Bullock, Calloway, Carlin, Cochran, Cowan, Curtis, Dozier, Ellison, Etheridge, Gee, Gilchrist, Green, Hamilton, Henry, Holmes of Baldwin, Holmes of Sumter, Johnson of Coosa, King, Knox, Leath, Lewis, Lowe, Lumpkin, McCaskey, Mancill, Marlowe, Moore, Nininger, Payne, Perrin, Semmes, Sims, Speake, St. Clair, Taylor of Winston, Toomer, Ware, Weatherford, Wells and White —47.

The House proceeded to consider the bill—

To prevent homicides.

The question pending being on the adoption of the amendment reported by the judiciary committee ;

On motion of Mr. Knox, the amendment was laid on the table.

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

The House proceeded to consider—

Joint resolutions proposing certain amendments to the constitution.

The question pending being on the adoption of the substitute reported by the special committee ;

Mr. Hewitt moved that the House take a recess until half past 3 o'clock this afternoon ;

Which, on motion of Mr. Black, was laid on the table.

Pending the consideration of the joint resolution,

On motion of Mr. Knox—

The House adjourned until to-morrow morning, 10 o'clock.

## TWENTY-SECOND DAY.

TUESDAY, January 16, 1872

The House met pursuant to adjournment.

Prayer by Rev. Mr. Morris.

The journal of yesterday was read and approved.

## ENROLLED BILLS.

Mr. Powell, from the committee on enrolled bills, reported the following correctly enrolled :

To prohibit the sale of spirituous or vinous liquors within three miles of the Methodist church at Moscow, in Sanford county.

To authorize Matthew D. Moore and Bell Taylor, guardians of the estate of Margaret Taylor, a lunatic, to sell the personal property of said estate at private sale.

To prescribe the time of holding the circuit courts in the tenth judicial circuit.

For the relief of maimed officers and soldiers who belonged to military organizations and served in the armies of this State during the late war.

To authorize the redemption of lands sold for taxes and purchased by the State.

To authorize Amos M. Elliott, as administrator de bonis non of the estate of James Cobb, deceased, late of Shelby county, to sell the lands of said estate.

The following message was received from the Governor, by Mr. Chardavoyne :

Mr. Speaker :

I am directed by his excellency the governor to inform you that he has approved the following bills originating in the House of Representatives:

Joint resolution to pay witnesses, clerk and sergeant-at arms for attendance upon special House committee on resolution to inquire into alleged official misconduct of Hon. John Elliott, judge of the 6th judicial circuit of Alabama.

Bills—

To establish a board of commissioners of roads in the county of Mobile, and to prescribe the duties thereof.

For the relief of William McCrary, of Hale county, and Jonathan Jones, of Geneva county.

To amend section 10 of an act entitled an act to incorporate the town of Dadeville, in the county of Tallapoosa.

To amend an act to incorporate the Hale & Murdock iron works, in Fayette county.

To change the terms of the commissioners court of Washington county.

For the relief of Mrs. Sarah A. Martin, widow of the late Joshua L. Martin, of Tuscaloosa county.

To prohibit the sale of spirituous or vinous liquors within three miles of the Methodist church at Moscow, in Sanford county.

To authorize Matthew D. Moore and Bell Taylor, guardians of the estate of Margaret Taylor, a lunatic, to sell the personal property of said estate at private sale.

To prescribe the time of holding the circuit courts in the tenth judicial circuit.

For the relief of maimed officers and soldiers who belonged to the military organizations and served in the armies of this State during the late war.

To authorize the redemption of lands sold for taxes and purchased by the State.

To authorize Amos M. Elliott, as administrator de bonis non of the estate of James Cobb, deceased, late of Shelby county, to sell the lands of said estate.

W. V. CHARDAVOYNE,  
Secretary.

January 15, 1872.

Messages from the Senate, by Mr. Whiting—

SENATE CHAMBER,  
January 16, 1872. }

Mr. Speaker :

The Senate has originated and passed a joint resolution, as herewith transmitted—

Memorializing the congress of the United States on the subject of aid by grant of lands to the Mobile & Northwestern railroad company.

M. P. BLUE,  
Secretary.



SENATE CHAMBER,  
January 16, 1872. }  
Mr. Speaker :

The Senate has originated and passed bills as follows—

To make the clerks of the circuit courts of Hale, Crenshaw  
and Barbour counties ex-officio clerks of the county courts.

For the relief of Mrs. Hannah S. Tate, of Coosa county.

To regulate the pay and mileage of jurors and commissioners of Geneva county, and to provide for the payment of the same.

For the relief of Mrs. Nancy Vardeman, of Coosa county.

A joint memorial to the congress of the United States to  
extend the time for selecting swamp and overflowed lands.

M. P. BLUE,  
Secretary.

SENATE CHAMBER,  
January 16, 1872. }

Mr. Speaker:

The Senate has passed House bills as follows :

To authorize the levy and collection of a general tax in  
Coffee county.

To authorize Eliza C. Beasley, of Coffee county, to sell certain lands.

M. P. BLUE,  
Secretary.

#### CALL OF THE COUNTIES.

Upon the call of the counties, the following bills were introduced :

By Mr. Cowan—

To repeal sections 1858, 1859 and 1860 of the Revised Code.

By Mr. Gilchrist—

To amend section 3694 of the Revised Code ;

Which was read twice, under suspension of the constitutional rule, and referred to the committee on the revision of the laws.

On motion of Mr. Dustan—

The vote by which the bill—

To relieve certain railroads in Alabama,

Was lost on yesterday, was reconsidered.

On motion of Mr. Crook—

The vote on the passage of the bill—

To relieve the Montgomery & Eufaula railroad company from the penalty on delinquent taxes for 1870,

Was reconsidered, and the bill was made the special order for Thursday next 12 o'clock.

Mr. Hewitt presented the petition of citizens of Walker county, asking a change in the county line between the counties of Jefferson and Walker ;

Which was referred to a special committee of five as follows, to-wit :

Messrs. Hewitt, Miller, Leath, Taylor of Winston and Kennedy.

By Mr. Taylor of Lauderdale—

To amend section six of an act to suppress murder, lynching and assaults and batteries ;

Which was read twice under a suspension of the constitutional rule, and referred to the committee on the judiciary.

Also—

To establish the compensation of electors for president and vice president ;

Which was read twice under suspension of the constitutional rule, and referred to the committee on fees and salaries.

By Mr. Speake—

To repeal an act enacted by the board of education, establishing normal schools at Talladega, Tuscumbia, Scottsboro, and Midway, approved December 20, 1871 ;

Also—

To repeal an act enacted by the board of education, establishing a female school for the education of white female teachers, approved December 20, 1871.

Also—

To repeal an act enacted by the board of education to provide for a normal school at the university of Alabama ;

Which were severally read twice, under suspension of the constitutional rule, and referred to the committee on education.

Also—

To incorporate the town of Gilmer, in Lawrence county ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on corporations.

By Mr. Toomer—

To prevent the carrying of pistols and certain other deadly weapons, whether concealed or otherwise, in the State of Alabama ;

Which was read twice, under a suspension of the constitutional rule.

Mr Graham moved to lay the bill on the table ;

Which was lost.

Yeas 29, nays 53.

Yeas—Messrs. Appleton, Ashurst, Black, Bradford, Clark, Clements, Cowan, Craig, Davis, Diggs, Duskin, Gaskin, Gee, Graham, Hamilton, Haralson, Johnson of Coosa, King, Knox, McCaskey, Oates, Payne, Raisler, Smith of Choctaw, Smith of Sumter, Speed, Thompson, Wells and Williams—29.

Nays—Messrs. Speaker, Alley, Benson, Boyd, Bulger, Bullock, Callaway, Carlin, Carmichael, Cowan, Crook, Doster, Dozier, Drake, Dustan, Etheridge, Gilchrist, Grayson of Clarke, Grayson of Madison, Green, Henry, Hewitt, Hitchcock, Hodo, Howell, Hurt, Johnson of Dallas, Kennedy, Leath, Lewis, Lindsay, Lowe, Lumpkin, McCall, Mancill, Marlowe, Murrah, Perrin, Rice, Semmes, Sims, Smitherman, St. Clair, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Toomer, Tyler, Ware, White and Wyman—53.

And the bill was referred to the committee on the judiciary.

By Mr. Gilchrist—

To prohibit fishing in any artificial pond or lake in this State, without the consent of the owner or owners thereof ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on the military.

By leave, Mr. Oates offered the following resolution ;

Which was adopted:

Resolved, That the governor and treasurer be, and they are hereby requested to communicate to this House, by 12 o'clock on Thursday next, all the facts connected with an alleged loan of thirty thousand dollars, or other large sum, out of the State treasury to the Montgomery & Eufaula railroad company, in the year 1871.

By Mr. Toomer—

To prevent trespassing on lands in certain cases ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Thompson moved to lay the bill on the table ;

Which was lost.

Mr. Thompson moved the indefinite postponement of the bill ;

Which was lost.

And the bill was referred to the committee on public roads and highways.

By Mr. Toomer—

To amend section 1387 of the Revised Code.

Also—

To amend section 1386 of the Revised Code ;

Which were severally read twice under a suspension of the constitutional rule, and referred to the committee on public roads and highways.

By Mr. Toomer—

To prohibit the sale of spirituous liquors within three miles of Whitten's shop, in Lee county ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Payne moved to amend by inserting the names of various other localities in the State.

Mr. Lowe moved to amend by striking out all the localities in the amendment and the bill, so as to prohibit the sale of spirituous liquors anywhere in the State.

On motion of Mr. Henry—

The amendment was laid on the table.

Y as 49, nays 31.

Yeas—Messrs. Speaker, Appleton, Ashurst, Boyd, Bulger, Bullock, Callaway, Clark, Clements, Craig, Crook, Curtis, Drake, Etheridge, Gilchrist, Graham, Grayson of Clark, Grayson of Madison, Hamilton, Haralson, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lindsay, Lumpkin, Mancill, Murrah, Payne, Raisler, Semmes, Sims, Smith of Sumter, Speake, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Toomer, Ware, Weatherford and White—49.

Nays—Messrs. Alley, Box, Carlin, Carmichael, Cowan-Davis, Diggs, Doster, Dozier, Duskin, Dustan, Gaskin, Gee, Green, Howell, Johnson of Dallas, King, Knox, Lowe, McCaskey, Marlowe, Nininger, Oates, Perrin, Smith of Coosa, Speed, St. Clair, Thompson, Tyler, Williams and Wyman—31.

Pending the further consideration of the bill and amendment the hour of 12 o'clock arrived, when the House proceeded to the consideration of the special orders, the first special order being the bill—

To enforce the collection of taxes from express companies ;

Which was read a third time under a suspension of the constitutional rule, and passed.

Yeas 78, nays 2.

Yeas—Messrs. Speaker, Alley, Appleton, Ashurst, Benson, Black, Boyd, Bradford, Bulger, Bullock, Callaway, Carlin,

Carmichael, Clark, Cowan, Crook, Curtis, Davis, Diggs, Dozier, Dozier, Drake, Duskin, Dustan, Etheridge, Gaskin, Gee, Gilchrist, Graham, Grayson of Coosa, Grayson of Madison, Green, Hamilton, Haralson, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, John-Bon of Coosa, Johnson of Dallas, Kennedy, King, Knox, Leath, Lewis, Lindsay, Lumpkin, McCall, McCaskey, Mancill, Marlowe, Moore, Murrah, Nininger, Perrin, Raisler, Semmes, Smith of Cochtaw, Smitherman, Speake, Speed, St. Clair, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Thompson, Toomer, Tyler, Ware, Weatherford, Wells and White—78.

Nays—Messrs. Smith of Sumter and Knox—2.

The next special order being—

Joint resolution dividing the State into seven congressional districts ;

Which was made the special order for Friday next, at 12 o'clock, m.

#### SPECIAL COMMITTEE.

Mr. Taylor, from a special committee, reported a substitute for the bill—

To amend section 47 of an act to establish revenue laws for the State of Alabama, approved December 31, 1868 ;

Which was adopted,

And the bill read a third time, under a suspension of the constitutional rule, and passed.

The title was amended so as to read as follows ;

In relation to tax collector's receipts.

On motion of Mr. Leath, the bill—

For the relief of the sureties of Lafayette M. Stiff, late receiver of public money at the land office at Centre, Alabama, was taken from the table—

The question pending being on concurring in the adverse report of the committee.

The vote was taken and the House refused to concur in the adverse report of the committee.

The bill was read a third time, under a suspension of the constitutional rule,

And on motion of Mr. Hewitt—

Was laid on the table.

Yeas 50, nays 30.

Yeas—Messrs. Speaker, Alley, Ashurst, Benson, Bradford,

Carlin, Clark, Clements, Cochran, Curtis, Davis, Diggs, Dozier, Dozier, Drake, Gaskin, Gee, Gilchrist, Green, Haralson, Henry, Hewitt, Hitchcock, Johnson of Coosa, Johnson of Dallas, King, Lewis, Lindsay, Lumpkin, McCall, McDermott, Marlowe, Moore, Nininger, Oates, Rice, Semmes, Sims, Speake, Speed, St. Clair, Stauss, Taylor of Lauderdale, Taylor of Winston, Thompson, Tyler, Ware, Wells, White and Wyman—50.

Nays—Messrs. Appleton, Box, Boyd, Bulger, Bullock, Callaway, Cowan, Craig, Crook, Dustan, Ellison, Etheridge, Grayson of Madison, Hamilton, Hodo, Howell, Hurt, Kennedy, Knox, Leath, Lowe, Payne, Perrin, Powell, Raisler, Smith of Choctaw, Smith of Sumter, Toomer, Weatherford and Williams—30.

On motion of Mr. Thompson—

The House adjourned until to-morrow morning 10 o'clock.

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### THIRTY-SECOND DAY.

TUESDAY, January 15, 1871.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Morris.

Journal of yesterday read and approved.

### CALL OF THE COUNTIES.

Upon the call of the counties—

The House proceeded to the consideration of the bill under consideration yesterday when the hour of 12 o'clock arrived, to-wit :

To prohibit the sale of liquors within three miles of Whitten's shop, in the county of Lee ;

The question pending being on the adoption of the amendment of Mr. Payne.

By leave of the House, the amendment was withdrawn,

And the bill read a third time, and passed, under a suspension of the constitutional rule.

### INTRODUCTION OF BILLS.

The following bills were introduced :

By Mr. Toomer—

To prohibit the sale of liquors within one mile of the works of the Chewacla lime company, in Lee county.

By Mr. Raisler—

To prohibit the sale of liquors in the town of Oxford, and within five miles thereof.

By Mr. Lowe—

To relieve James A. Wade, foreign executor of the estate of H. Wade, deceased, from the requirements of section 2293 of the Revised Code, and to authorize him as said executor, to sue and recover in a certain cause pending in the chancery court at Abbeville, Alabama, the same as if it were a suit in his own right.

By Mr. Dustan—

To remove the administration of the estate of Josephine McRae, deceased, from the probate court of Hale county to the probate court of Marengo county ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

By Mr. Toomer—

To regulate the business of insurance in this State ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Toomer moved to refer the bill to a special committee of seven ;

Which, on motion of Mr. Boyd—

Was laid on the table.

And the bill was referred to the committee on the revision of the laws.

By Mr. Raisler—

To amend an act to incorporate the female institute of the Tennessee Annual Conference of the Methodist Episcopal church at Athens, Alabama.

By Mr. Rice—

For the relief of the indigent insane ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on education.

By Mr. Raisler—

To amend section 2739 of the Revised Code ;

Also,

To amend section 2704 of the Revised Code.

By Mr. Alley—

To amend section 867 of the Revised Code ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the revision of the laws.

By Mr. Nininger—

To refund to William B. Gilmer, jr., a reward paid by him to apprehend a fugitive from justice ;

Which was read twice under a suspension of the constitutional rule, and referred to the committee on accounts and claims.

By Mr. Grayson of Madison—

To repeal "an act for the suppression of secret organizations of men" disguising themselves for the purpose of committing crimes and outrages," approved December 26, 1868, so far as it applies to the counties of Madison and Henry ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Bulger moved to amend, by striking out the counties of Madison and Henry, so as to make the repeal operate throughout the State ;

Which was lost.

Mr. Mancill moved to amend, by inserting the county of Covington ;

Which was lost.

Mr. Speake moved to amend, by inserting the county of Lawrence ;

Which was lost.

Mr. Leath moved to amend, by inserting the county of Cherokee ;

Which was lost.

Mr. Appleton moved to amend, by inserting the county of DeKalb ;

Which was lost.

And the bill was ordered to a third reading.

By Mr. Grayson of Madison—

To repeal "an act to suppress murder, lynching, and assaults and batteries," approved December 28, 1868, so far as relates to the county of Madison ;

Which was read twice, under a suspension of the constitutional rule, and referred to a committee, as follows :

Messrs. Grayson of Madison and Lowe.

By Mr. Grayson of Madison —

To repeal an act to require the court of county commissioners to publish semi-annual statements of the receipts and expenditures of money for and on account of their respective counties, approved August 12, 1868 ;

Which was read twice, under a suspension of the constitutional rule.



tional rule, and referred to the committee on ways and means.

By Mr. Lowe—

To require the rendition of decrees of the court of chancery in term time.

Also,

To authorize appeals from certain decrees of the court of chancery.

Also,

To amend section 2721 of the Revised Code.

Also,

To amend section 2704 of the Revised Code.

Also,

To expedite the trial of causes in the chancery courts of this State.

By Mr. Dustan—

To declare the criminal jurisdiction of justices of the peace in their respective beats or precincts, in the county of Marengo ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

Also,

For the relief of James F. Aldridge, as executor of the last will and testament of Moses Westbrook, deceased, of Marengo county ;

Which was read twice, under a suspension of the constitutional rule, and referred to a special committee of five, as follows:

Messrs. Grayson of Clarke, Moore, Smith of Sumter, Powell and Boyd.

Message from the Senate, by Mr. Whiting :

SENATE CHAMBER,  
January 17, 1872. }

Mr. Speaker :

The Senate has passed House bills as follows :

To authorize the commissioners court of Monroe county to levy a special tax.

To ratify and legalize an election held in the town of Seale, in the county of Russell on the 8th January, 1872.

To repeal an act to regulate the publication of legal and other notices in the State of Alabama, and the several amend-

ments thereto, so far as the same relates to such publications within the county of Madison.

To repeal an act authorizing the commissioners court of Sumter county to levy additional tax for county purposes.

To authorize Mrs. Nancy J. Hollingsworth to sell certain lands therein described.

To authorize the executor of Mary Wall, deceased, to sell certain lands at private sale.

To authorize B. F. Moseley, administrator of the estate of Lewis B. Moseley, deceased, to rent certain property privately.

And have passed House joint memorial to the Congress of the United States herewith transmitted.

M. P. BLUE,  
Secretary.

Mr. Lowe introduced—

Joint resolution on the publication of the laws ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Knox moved to refer the resolution to the committee on public printing.

Mr. Boyd moved to lay Mr. Knox's motion on the table ;

Which was carried.

Mr. Lowe moved to suspend the constitutional rule to give the resolution a third reading forthwith ;

Which was put and lost—Yeas 52, nays 19.

Yeas—Messrs. Ashurst, Box, Boyd, Bradford, Bulger, Bullock, Callaway, Carlin, Coleman, Crook, Davis, Drake, Dustan, Ellison, Graham, Grayson of Madison, Green, Haralson, Henderson, Henry, Hodo, Holmes of Baldwin, Holmes of Sumter, Hurt, Johnson of Coosa, Johnson of Dallas, Leath, Lewis, Lindsay, Lowe, Lumpkin, McCaskey, McDermott, Mancill, Miller, Murrah, Nininger, Gates, Perrin, Raisler, Rice, Semmes, Sims, Smith of Choctaw, Smith of Greene, Smitherman, Speake, Strauss, Taylor of Winston, Toulmin, Ware, White and Wyman—52.

Nays—Messrs. Alley, Black, Clark, Craig, Dozier, Gaskin, Gilchrist, Hamilton, Hewitt, King, Knox, McCall, Payne, St. Clair, Taylor of Lauderdale, Thompson, Tyler and Weatherford—19.

Mr. Hewitt moved to amend the resolution by striking out the words " or that may hereafter become due."

Mr. Bullock moved to lay the amendment on the table ;

Which was lost—Yeas 25, nays 47.

Yeas—Messrs. Boyd, Bullock, Dustan, Grayson of Clark,

Grayson of Madison, Haralson, Henderson, Hodo, Kennedy, Lewis, Lowe, Murrah, Oates, Perrin, Raisler, Rice, Smith of Greene, Smith of Sumter, Speake, Strauss, Toulmin, Tyler, Wells, White and Wyman—25.

Nays—Messrs. Alley, Appleton, Ashurst, Benson, Black, Box, Bradford, Bulger, Calloway, Carlin, Clark, Cowan, Crook, Diggs, Dozier, Drake, Duskin, Etheridge, Gaskin, Gilchrist, Graham, Green, Gunn, Hamilton, Henry, Hewitt, Hitchcock, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Knox, Lumpkin, McCall, McCaskey, McDermott, Mancill, Payne, Sims, Smitherman, Speed, St. Clair, Steele, Taylor of Lauderdale, Taylor of Winston, Thompson and Weatherford—17.

Mr. Knox moved to postpone the further consideration of the resolution until Saturday next, 12 m.;

Which was lost.

The amendment was adopted.

The resolution was read a third time, under a suspension of the constitutional rule, and adopted.

Mr. Bulger, by leave, offered the following resolution,

Which was adopted :

Resolved, That Tuesdays, Thursdays and Saturdays of each week be appropriated by this House to the consideration of reports of standing committees, Senate and House bills on their second and third reading, until such business is disposed of.

#### LEAVE OF ABSENCE.

Leave of absence was granted Mr. Curtis for four days.

Message from the Senate, by Mr. Whiting:

SENATE CHAMBER,  
January 17, 1872. }

Mr. Speaker :

The Senate has originated and passed a bill—

To make the county of Hale the 14th district of the middle chancery division of Alabama, and to fix the time of holding the courts therein.

M. P. BLUE,  
Secretary.

#### SPECIAL ORDER.

The hour of twelve o'clock having arrived, the House

proceeded to the consideration of the special order set for that hour, it being the bill—

For the relief of John B. Davis, tax collector of Greene county.

The question being on the passage of the bill—

It was lost.

#### REPORT FROM A SPECIAL COMMITTEE.

Mr. Moore, from a special committee, reported favorably to the bill—

To authorize John E. Bishop, guardian of W. F. Pool and Nancy E. Pool, to sell the land belonging to said minors at private sale ;

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

#### ENROLLED BILLS.

Mr. Rice, from the committee on enrolled bills, reported the following as correctly enrolled :

To repeal an act to regulate the publication of legal and other notices in the State of Alabama, and the several amendments thereto, so far as the same relates to such publications within the county of Madison.

To authorize the executor of Mary Wall, deceased, to sell certain lands at private sale.

To authorize B. F. Moseley, administrator of the estate of Lewis B. Moseley, deceased, to rent certain property privately.

To repeal an act authorizing the commissioners court of Sumter county to levy additional tax for county purposes.

To authorize Mrs. Nancy J. Hollingsworth to sell certain lands therein described.

To authorize the commissioners court of Monroe county to levy a special tax.

To ratify and legalize an election held in the town of Settle, in the county of Russell, on the 8th of January, 1872.

Joint memorial to the congress of the United States,

#### GENERAL ORDERS.

The House proceeded to the consideration of the general orders.

The Senate bill—

For the relief of certain railroads in Alabama,  
 Being on its passage—  
 On motion of Mr. Bulger,  
 It was indefinitely postponed.

The joint resolutions—  
 Proposing certain amendments to the constitution,  
 Were next considered, the question being on the adoption  
 of the substitute reported by the committee.

On motion of Mr. Hewitt—  
 The substitute was considered seriatim, by paragraphs.  
 The first paragraph was adopted.  
 The second paragraph was struck out.

Mr. Knox moved to lay the third paragraph on the table ;  
 Which was put and lost—Yeas 28, nays 56.

Yeas— Messrs. Alley, Black, Carlin, Cochran, Craig, Diggs,  
 Dozier, Dustan, Gaskin, Gee, Green, Haralson, Henderson,  
 Johnson of Dallas, King, Knox, Nininger, Oates, Perrin,  
 Speed, St. Clair, Taylor of Winston, Thompson, Tyler, Wells,  
 Williams and Wyman—28.

Nays—Messrs. Speaker, Appleton, Benson, Box, Boyd,  
 Bradford, Bulger, Bullock, Calloway, Carmichael, Clements,  
 Cowan, Crook, Davis, Drake, Duskin, Etheridge, Gilchrist,  
 Grayson of Clarke, Grayson of Madison, Gunn, Hamilton,  
 Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes  
 of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath,  
 Lewis, Lindsay, Lumpkin, McCall, Mancill, Marlowe, Miller,  
 Moore, Murrah, Payne, Raisler, Rice, Semmes, Smith of Choc-  
 taw, Smith of Greene, Smith of Sumter, Smitherman, Speake,  
 Steele, Strauss, Taylor of Lauderdale, Toomer, Toulmin,  
 Ware, Weatherford and White—56.

Mr. Oates moved to lay the joint resolutions and substitute  
 on the table ;

Which was lost.

Yeas 39, nays 48.

Yeas—Messrs. Alley, Black, Carlin, Clark, Cochran,  
 Craig, Diggs, Dozier, Duskin, Dustan, Ellison, Gaskin, Gee,  
 Grayson of Clarke, Green, Haralson, Henderson, Johnson of  
 Dallas, Kennedy, King, Knox, Lowe, Lumpkin, McCall,  
 McCaskey, Nininger, Oates, Payne, Perrin, Rice, Smith of  
 Sumter, Speed, St. Clair, Taylor of Winston, Thompson,  
 Tyler, Ware, Wells, Williams and Wyman—39.

Nays—Messrs. Speaker, Appleton, Benson, Box, Boyd, Bul-  
 ger, Bullock, Callaway, Clements, Cowan, Crook, Etheridge,  
 Gilchrist, Grayson of Madison, Gunn, Hamilton, Henry,

Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Leath, Lewis, Lindsay, McDermott, Mancill, Miller, Moore, Murrah, Payne, Raisler, Semmes, Sims, Smith of Choctaw, Smith of Greene, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Toomer, Toulmin, Weatherford and White—48.

Mr. Dustan moved that the House adjourn until to-morrow morning 10 o'clock ;

Which was lost.

Yeas 17, nays 61.

Yeas—Messrs. Black, Carlin, Clark, Davis, Diggs, Dozier, Dustan, Gaskin, Green, Henderson, Knox, McCaskey, Mancill, Oates, Speed, Thompson and Wells—17.

Nays—Messrs. Speaker, Alley, Appleton, Benson, Box, Bulger, Bullock, Callaway, Carmichael, Cowan, Craig, Crook, Etheridge, Gee, Gilchrist, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Haralson, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, Kennedy, King, Leath, Lewis, Lindsay, Lowe, Lumpkin, McCall, McDermott, Miller, Murrah, Nininger, Payne, Perrin, Raisler, Semmes, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, Strauss, Taylor of Lauderdale, Taylor of Winston, Toomer, Toulmin, Tyler, Ware and White—61,

#### JOINT RESOLUTIONS.

The House resumed the consideration of the joint resolutions.

Mr. Dustan moved to postpone their further consideration until Friday next, 12 o'clock, m., and make them the special order for that hour ;

Which was lost.

Pending their further consideration—

On motion of Mr. Green—

The House adjourned until to-morrow morning 10 o'clock.

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#### THIRTY-FOURTH DAY.

THURSDAY, January 18, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Morris.

The journal of yesterday was read and approved.

On motion of Mr. Duskin, the vote on the passage of the bill—

To remove the administration of the estate of Josephine McRae, deceased, from the probate court of Hale county to the probate court of Marengo county ;

Was reconsidered, as was also the vote ordering the bill to a third reading, and the bill was referred to the committee on local legislation.

#### CALL OF THE COUNTIES.

Upon the call of the counties the following bills were introduced :

By Mr. Dustan—

To regulate the county boundaries of Greene, Perry, Hale, Marengo and Sumter counties, so as to form a new county to be called the county of "Arcola ;"

Which was read a first time.

Mr. Smith of Sumter moved the indefinite postponement of the bill.

Mr. Dustan moved to lay the motion on the table, which was lost, and the further consideration of the bill was indefinitely postponed.

Yeas 70, nays 14,

Yeas—Messrs. Speaker, Alley, Appleton, Ashurst, Benson, Black, Box, Boyd, Bradford, Bulger, Bullock, Calloway, Carmichael, Clark, Clements, Cochran, Coleman, Cowan, Crook, Davis, Diggs, Doster, Dozier, Duskin, Ellison, Ethridge, Gee, Gilchrist, Graham, Grayson of Clark, Green, Gunn, Hamilton, Haralson, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Johnson of Coosa, Johnson of Dallas, Kennedy, Lewis, Lindsay, Lumpkin, Mancill, Miller, Moore, Murrah, Payne, Perrin, Rice, Semmes, Sims, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, St. Clair, Steele, Strauss, Taylor of Winston, Toulmin, Tyler, Ware, Weatherford and White—70.

Nays—Messrs. Drake, Dustan, Gaskin, Grayson of Madison, Howell, Knox, Lowe, McCall, McCaskey, Nininger, Taylor of Lauderdale, Thompson, Wells and Williams—14.

By Mr. Strauss—

To regulate the publication of legal notices in the county of Mobile.

By Mr. Toulmin—

To amend section 3 of an act to incorporate the Gulf City insurance company.

Also,

To extend the time in which the Mobile harbor and railroad company have to complete their harbor railroad.

Also,

For the relief of Benjamin Patrick, a citizen of Alabama, residing in the city of Mobile.

By Mr. Gunn—

For tax assessing in Morgan county.

By Mr. Graham—

To authorize and empower Elisha R. Parker, guardian of his minor children, to sell the lands belonging to the estate of such minors, at private sale, for the purpose of re-investment.

By Mr. Murrah—

To prohibit the sale of liquors within one mile of Pine Grove Academy ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

By Mr. Boyd—

For the relief of Peter M. Ragsdale and J. C. Coleman of Marshall county.

By Mr. Lindsay—

For the relief of Wm. L. Mims of Monroe county.

By Mr. Thompson—

To prohibit the sale of liquors within two miles of Little Zion church, in Montgomery county.

By Mr. Thompson—

A bill to amend section 3996 of the Revised Code.

By Mr. Graham—

A bill to amend sections 1521 and 1523 of the Revised Code.

By Mr. Murrah—

A bill to amend section 3555 of the Revised Code.

By Mr. Box—

A bill to fix the time of holding the circuit court for the county of Jefferson, in the 3d judicial circuit.

By Mr. Smith of Sumter—

A bill to amend section 3528 of the Revised Code ;

Which were severally read twice, under a suspension of the



constitutional rule, and referred to the committee on the revision of the laws.

By Mr. Toulmin—

A bill to facilitate the collection of toll by the Mobile and Spring Hill Plank and Shell Road Company ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Knox—

A bill to provide for and regulate appeals in cases of contempt of court.

Also—

A bill to amend "an act to establish a criminal court for the county of Montgomery, with civil, jurisdiction."

By Mr. Thompson—

A bill for the relief of Jane Willis of Montgomery county.

Also—

A bill for the relief of Hector Prince of Montgomery county.

By Mr. Hodo—

A bill to authorize guardians to compromise debts of a bad or doubtful character ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Gunn—

A bill for the protection of landlords ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on agriculture.

By Mr. Gunn—

A bill to regulate fees of notaries public, justices of the peace and constables in Morgan county ;

Which was read twice, under suspension of the constitutional rule, and referred to the committee on fees and salaries.

By Mr. Murrah—

A bill to suppress drunkenness in public places ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Semmes moved to insert after the word "drunk," the words "and down" ;

Which was lost, and the bill was referred to the committee on the judiciary.

By Mr. Murrah—

A bill to relieve all railroad companies of this State of the ten per cent. penalty on taxes assessed against them during the years 1870 and 1871;

Which was read a first time and ordered to a second reading.

By Mr. Box—

A bill to incorporate the town of Ashville, in the county of St. Clair.

By Mr. Smith of Sumter—

A bill to define the corporate limits of the town of Livingston in Sumter county ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on corporations.

By Mr. Murrah—

A bill to limit the sale of vinous, spirituous or malt liquors in the State of Alabama ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Toomer moved to amend, by inserting after the words "school house," the following : " not in any incorporated town or city."

Mr. Dustan moved to postpone the further consideration of the bill until Wednesday next.

Mr. Coleman moved to lay the motion to postpone on the table, which was lost ;

And the bill was referred, with instructions to report as early as practicable, to a special committee of five, as follows ; Messrs. Murrah, Lowe, Doster, Boyd and Dustan.

By Mr. Smith of Sumter—

A bill to elect three commissioners to investigate the condition and general management of the railroads in Alabama, and make annual reports of the same to the general assembly of said State ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Smith of Sumter—

A bill to amend section 3936 of the Revised Code.

By Mr. Bradford—

A bill to prescribe a form of complaint in suits on foreign judgments.

Also—

A bill to fix the remedy of unlawful detainer in certain cases.

Also—

A bill to amend section 636 of the Revised Code.

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the revision of the laws.

By Mr. Bradford—

A bill to authorize the private sale of land of the estate of Edward Kelley, deceased ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Toomer moved to amend, by proviso, as follows :

Provided said sale be reported to and confirmed by the probate court of said county ;

Which was lost.

And the bill was referred to the committee on the revision of the laws.

By leave, Mr. Box was allowed to withdraw from the judiciary committee the following bill :

To authorize Julia R. Pearson, of St. Clair county, to sell at private sale and convey by deed to the present owners or purchasers the real estate heretofore sold under an order of the probate court of said county, by the executors of the last will and testament of Charles W. Pearson, deceased.

On motion of Mr. Smith of Greene, the vote by which the bill—

To repeal sections 3620, 3621, 3622, 3623, 3625, 3626 of the Revised Code,

Was referred to the committee on the revision of the laws,

Was reconsidered, and the further consideration of the bill was indefinitely postponed.

Messages from the Senate, by Mr. Whiting :

SENATE CHAMBER,  
January 18, 1872. }

Mr. Speaker :

The Senate has originated and passed bills as follows :

To repeal an act to incorporate Pine Grove church in Barbour county.

To make Mrs. Sarah Ward, of Macon county, a free dealer.

To authorize Mrs. Lydia A. Ausborn to sell certain lands therein described.

To authorize J. W. McBrayier, of Coosa county, to sell certain real estate.

In relation to the bonds and coupons to be issued by Tuscaloosa county, for building a bridge across the Warrior river.

To authorize Mrs. Phereby Roberson to sell certain lands therein described.

To relieve Margaret Mathews of Franklin county, from making annual settlements as guardian for wards.

To authorize Mrs. Elizabeth C. Prime to sell certain lands therein described.

To authorize Mrs. Kansas Murphree, of Pike county, to make titles to certain lands therein named.

And has passed House bills—

To authorize James E. Scott, administrator of the estate of Thomas Gough, deceased, to sell certain lands at private sale.

To authorize B. S. Turner, of Choctaw county, to redeem certain land sold for taxes and purchased by the State.

To relieve from the disabilities of non-age Carrie Nelson Goree, of Hale county.

M. P. BLUE,  
Secretary.

SENATE CHAMBER,  
January 18, 1872. }

Mr. Speaker :

The Senate has originated and passed bills as follows :

To amend the charter of the city of Opelika.

For the relief of David W. Brown, a minor, of Dale county.

M. P. BLUE,  
Secretary.

The following communication was received from the governor, by his private secretary, Mr. Chardavoyne :

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, January 17, 1872. }

Gentlemen of the House of Representatives :

In compliance with a resolution adopted by the House of Representatives on Tuesday last, requesting the governor and treasurer " to communicate to the House, by 12 o'clock, m., on Thursday next, all the facts connected with an alleged loan

of thirty-two thousand dollars, or other large sum, out of the State treasury, to the Montgomery & Eufaula railroad company in the year 1871," I submit the following statement of facts :

The interest of the first mortgage bonds of the Montgomery & Eufaula railroad company, indorsed by the State of Alabama, is payable on the first days of March and September. Some time in the latter part of the month of February, 1871, Mr. Owen, the president of that company, notified me that, because of an existing pressure in the money market, he found the company without the funds and also without the financial ability to meet promptly the March interest on the said indorsed bonds, and that he would certainly make default in its payment, unless the State assisted him.

He proposed that the State, instead of paying the interest as indorser of the bonds, should advance the amount to the company, on receiving ample and undoubted guarantee that it would be returned to the treasury in a very short time.

Mr. Durr, of Lehman, Durr & Co., the financial agents of the State, was consulted, and he gave it as his opinion that such a course would be infinitely preferable, avoiding as it would, default on the part of the company, payment directly by the State, and the burden and embarrassment of another unfinished road. I agreed with him, and together we called upon Mr. Grant, the treasurer, and submitted to him the entire matter ; and with my assent and approval, he placed thirty-two thousand dollars in the hands of Lehman, Durr & Co., to pay the said interest ; the Montgomery & Eufaula company first depositing with the treasurer thirty-five thousand dollars of the first mortgage bonds, and also the personal obligation of Lehman, Durr & Co., and other wealthy men of business and capitalists, that the amount thus to be used should be replaced in a short time.

As a business transaction, I hope it will commend itself to the approval of the legislature.

On notice that the railroad company would make default in the payment of interest on the indorsed bonds, it became my duty to pay such interest for the State.

The performance of this duty, however, would have had the unfortunate effect of delaying, if not entirely defeating, the completion of an important railroad ; of impairing the security to which the State looked for protection as indorser ; and multiplying entanglements at a period when the Alabama

& Chattanooga railroad affairs were disastrously involving the interests and credit of the State.

The course pursued rescued the State from a position so adverse and dangerous, without loss or cost, (for the money was all faithfully refunded,) enabled the company to finish their road to Eufaula, and gave to the State as indorser the security of a valuable and completed, instead of a profitless and incomplete enterprise.

What was done with such beneficial results was simply what I was bound to do directly, with the hazard of the evil consequences to which I have alluded.

I herewith transmit a communication from the treasurer.

ROBT. B. LINDSAY.

STATE OF ALABAMA,  
TREASURY DEPARTMENT,  
MONTGOMERY, January 17, 1.872. }

To His Excellency, Robert B. Lindsay :

SIR—I have read the message of this date, which you have been pleased to submit to me, and which you propose to transmit to the House of Representatives, in compliance with a resolution of that body inquiring as to a loan made to the Montgomery & Eufaula railroad company ; and I beg leave to say that your statement of the transaction is in entire accordance with my recollection of the facts.

Be pleased to transmit this note to the House, and ask that it be received as a compliance on my part with the request of their said resolution.

Respectfully,  
J. F. GRANT,  
State Treasurer.

#### ENROLLED BILLS.

Mr. Rice, from the committee on enrolled bills, reported the following as correctly enrolled :

To authorize B. L. Turner, of Choctaw county, to redeem certain land sold for taxes and purchased by the State.

To authorize James E. Scott, administrator of the estate of Thomas Gough, deceased, to sell certain land at private sale.

To relieve from the disabilities of non-age Carrie Nelson Goree, of Hale county.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the

#### SPECIAL ORDER.

It being the bill—

To relieve the Montgomery & Eufaula railroad company from the penalty on delinquent taxes for 1870.

The question being on the motion of Mr. Crook to reconsider the vote by which the bill was passed,

By leave of the House, the motion to reconsider was withdrawn.

By leave, Mr. Gates offered the following resolution ;

Which was adopted:

Resolved, That the superintendent of public instruction be, and he is hereby requested to communicate to this House what amount of money will be necessary to meet the demands of his department for the present scholastic year, and also what amounts due to teachers for services rendered prior to the year 1871, and what means have been provided for their payment, together with suggestions of such legislation as he deems necessary to the proper administration of said department.

#### LEAVE OF ABSENCE.

Leave of absence was granted Messrs. Marlowe and Lumpkin for two days.

The House next proceeded to the consideration of the

#### GENERAL ORDERS.

First in order being the—

Joint resolution proposing certain amendments to the constitution ;

Which was under consideration at adjournment yesterday.

The question pending being on the adoption of the third paragraph of the substitute reported by the committee,

Mr. Lowe moved to indefinitely postpone the further consideration of the joint resolution and substitute.

Pending the consideration of which motion,

On motion of Mr. Lewis—

The House stood adjourned until to-morrow morning at 10 o'clock.

## THIRTY-FIFTH DAY.

FRIDAY, January 19, 1872.

House met pursuant to adjournment.

Prayer by Rev. Mr. Morris.

The journal of yesterday was read and approved.

## LEAVE OF ABSENCE.

Leave of absence was granted Mr. Graham, for three days.

## SPECIAL COMMITTEE.

Mr. Clements, from special committee, reported favorably to

The Senate bill—

To provide for the completion of the Alabama State tract books in the office of the Secretary of State ;

Which was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Doster, from the special committee, reported favorably, with amendment by way of substitute, for

The bill—

To authorize the corporate authorities of the town of Prattville to subscribe to the capital stock of the South and North Alabama railroad company ;

The substitute was adopted ;

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

Ordered to be sent forthwith to the Senate.

Mr. Clements, from the special committee, reported favorably to

The Senate bill—

To authorize the Governor to subscribe for a map of Alabama, with an amendment, as follows :

Strike out "sixty-eight" and insert "one hundred and fifty" ;

Which was lost ;

And the bill was ordered to a third reading.

Mr. Oates, from special committee, in accordance with instructions from the House, reported a bill,

To confer upon the chancery courts of the State of Alabama, jurisdiction and authority to relieve minors of the disabilities of non-age :



Which was read twice under a suspension of the constitutional rule, and ordered to a third reading.

#### CALL OF THE COUNTIES.

Upon the call of the counties, the following bills were introduced :

By Mr. Lewis—

To authorize Missouri Huyett, widow of D. H. Huyett, deceased, to sell the property belonging to said decedent at the time of his death.

Also,

To amend an act entitled "an act to amend an act incorporating the Montgomery and Pickett Springs gravel road company."

By Mr. Henderson—

To allow Mrs. Elizabeth A. Preston of Wilcox county, to sell a house and lot in the town of Allenton.

By Mr. Taylor of Winston—

To prohibit the sale of liquors within two miles of the town of Houston, in Winston county.

By Mr. Crook—

To regulate the manner of giving notice of annual settlements of estates of decedents in the county of Calhoun.

By Mr. Cochran—

For the relief of Mrs. Mary Groves, wife of Joseph Groves, of Dallas county ;

Which were severally read twice, under a suspension of the constitutional rule, and passed.

By Mr. Henderson—

To regulate the fees of notaries public and justices of the peace for Wilcox county and to provide for the payment of the same in certain cases.

By Mr. Perrin—

To allow coroner's mileage,

Also,

To pay coroner's jury ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on fees and salaries.

By Mr. Box—

To authorize Eliza M. Buchanan, administratrix of the estate of Howell R. Buchanan, deceased, to sell the lands of said estate at private sale.

Also,

To repeal an act to enable the commissioners courts of St. Clair, Walker and Choctaw counties respectively, to erect bridges and have public buildings repaired, and to make the same preferred claims against said counties, approved February 7, 1870, so far as the same relates to the county of St. Clair.

By Mr. Holmes of Sumter —

To relieve James E. Knott, guardian of Elmira E. Knott and William C. Knott, minors of Sumter county, from making annual settlements of his guardianship in the probate court for three years.

By Mr. Smith of Sumter—

To repeal an act to register and pay the debt of Sumter county, approved March 1, 1870.

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. Boyd—

To repeal chapter 3, title 3, part 2 of the Revised Code.

By Mr. Toulmin—

To regulate the insurance business in the State of Alabama.

By Mr. Semmes—

To amend section 2621 of the Revised Code.

By Mr. Knox—

To repeal sections 3620, 3621, 3622, 3623, 3625 and 3626 of the Revised Code.

By Mr. Perrin—

To incorporate the Wilcox agricultural and mechanical association;

Which was read first time and laid on the table.

Also,

For the relief of John McCaskill, of Wilcox county ;

Which was read twice, under a suspension of the constitutional rule, and referred to a committee composed of the members from the counties of Wilcox, Mobile and Henry.

Also,

To abolish the county court of Wilcox county.

By Mr. Holmes of Baldwin—

To repeal an act to form a new county, to be called Escambia county, approved December 10, 1868;

Which were severally read twice, under a suspension of the

constitutional rule, and referred to the committee on the judiciary.

By Mr. Doster—

To amend the first and second sections of an act to incorporate the South and North Alabama railroad company ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Doster—

Conferring certain authority on the "Alabama detectives."

By Mr. McCall—

To amend an act to amend section one of an act to incorporate the town of Midway, in Bullock county.

By Mr. Crook—

To amend an act to incorporate the town of Oxford, in the county of Calhoun ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on corporations.

By Mr. Steele—

For the relief of the estate of Isaac Winston, of Franklin county ;

Which was read twice, under a suspension of the constitutional rule, and referred to special committee.

By Mr. Cochran—

For the protection of crops within certain limits, in Dallas county ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on agriculture.

The following message was received from the Governor by Mr. Chardavoyne, his secretary, announcing his approval of the following bills originating in the House :

Mr. Speaker :

I am instructed by His Excellency the Governor to inform you that he has approved the following acts originating in the House of Representatives, viz :

To authorize Eliza C. Bradley, of Coffee county, to sell certain lands.

To authorize the levy and collection of a general tax in Coffee county.

To authorize the executor of Mary Wall, deceased, to sell certain lands at private sale.

To repeal an act to regulate the publication of legal and other notices in the State of Alabama, and the several amendments thereto, so far as the same relates to such publications within the county of Madison.

To authorize the commissioners court of Monroe county to levy a special tax.

Joint memorial to the Congress of the United States, (cotton tax.)

To ratify and legalize an election held in the town of Seale, in the county of Russell, on the 8th of January, 1872.

To repeal an act authorizing the commissioners court of Sumter county to levy an additional tax for county purposes.

To authorize Mrs. Nancy S. Hollingsworth to sell certain lands therein described.

To authorize B. F. Mosely, administrator of the estate of Lewis B. Mosely, to rent certain property privately.

To amend an act to incorporate the city of Demopolis, approved January 20th, 1866.

W. V. CHARDAVOYNE,  
Private Secretary,

January 19, 1872.

Messages from the Senate by Mr. Whiting :

SENATE CHAMBER,  
Montgomery, Jan. 19, 1872.}

Mr. Speaker :

The Senate has passed House bills as follows :

To authorize John E. Bishop, guardian of W. F. Pool and Mary E. Pool, to sell lands at private sale belonging to said minors.

To prohibit the sale of vinous, spirituous or malt liquors within three miles of Whitten's shop, in the county of Lee.

To prohibit the sale of spirituous liquors in the town of Oxford and within five miles thereof.

To relieve James A. Wade, foreign executor of the estate of H. Wade, deceased, from the requirements of section 2293 of the Revised Code of Alabama, &c., &c.

To extend the time in which the Mobile Harbor & Railroad Company have to complete their harbor and railroad.

M. P. BLUE,  
Secretary.

SENATE CHAMBER,  
Montgomery, Jan. 19, 1872. }

Mr. Speaker:

The Senate has passed House bills as follows :

To authorize and empower Elisha R. Parker, guardian of his minor children, to sell the lands belonging to the estate of such minors at private sale, for the purpose of re-investment.

To prohibit the sale of spirituous liquors within one mile of Pine Grove Academy, in Pickens county.

For the relief of Mrs. Mary Groves, wife of Joseph Groves, of Dallas county.

M. P. BLUE,  
Secretary.

REPORTS FROM COMMITTEES.

Mr. Moore, from the committee on local legislation, reported favorably to the bill—

To authorize the commissioners court of Baldwin county to levy a special tax for the year 1871.

Mr. Lewis, from the committee on corporations, reported favorably to the following bills—

To amend an act to incorporate the Tuscaloosa Savings Association.

To repeal section 99 of an act to consolidate the several acts of incorporation of the city of Mobile, and to alter and amend the same.

To amend section 3 of an act to incorporate the town of Gadsden, in Etowah county, approved March 3, 1871.

To incorporate the town of Girard, in Russell county.

To confer additional powers upon the mayor and council of the town of Elyton.

To incorporate the town of Carrollton, in the county of Pickens.

To incorporate the town of Elkmont, in Limestone county.

To incorporate the town of Youngsville, in the county of Tallapoosa.

To incorporate the town of Waterloo, in Lauderdale county.

To establish a new charter for the town of Montevallo, in Shelby county.

To incorporate the town of Gordon, in Henry county.

To incorporate the town of Georgianna, in Butler county.

All of which were severally read the third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to the bill—  
To incorporate the town of Dayton, in Marengo county,  
with an amendment as follows:

Strike out first clause of section 6 of said bill, in the following words, to-wit : " That said corporation shall have power to levy and collect a poll tax of not more than two dollars on each male inhabitant of said town over the age of eighteen years" ;

Which was adopted;

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to the bill—  
To preserve order at the China Grove Camp Ground, in the county of Dale, with the following amendments:

1st. Strike out section 3.

2d. Strike out the words "provisions of this act," in the sixth and seventh lines of section 8, and insert the words "penal code of this State" ;

Which were adopted;

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to the bill—

To revive the charter of the town of Salem, in Lee county.

The bill was ordered to a third reading.

#### SPECIAL ORDER.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the special order;

It being the joint resolution on dividing the State into seven congressional districts;

And the joint resolution was laid on the table,

#### LEAVE OF ABSENCE.

Leave of absence was granted Mr. Alley for two days, and Mr. Bulger for three days on account of sickness in his family.

#### ENROLLED BILLS.

Mr. Powell, from the committee on enrolled bills, reported as correctly enrolled—

A bill for the relief of Mrs. Mary Groves, wife of Joseph Groves, of Dallas county.

## JOINT RESOLUTION.

The House proceeded to the consideration of the joint resolution proposing certain amendments to the constitution.

The question pending being the motion made by Mr. Lowe on yesterday, to indefinitely postpone the further consideration; Which was put and lost.

Yeas 29, nays 52.

Yeas—Messrs. Benson, Carlin, Clark, Craig, Drake, Duskin, Ellison, Gaskin, Gee, Green, Haralson, Henderson, Holmes of Sumter, Johnson of Dallas, King, Knox, Lowe, Mooring, Oates, Perrin, Rice, Smith of Coosa, Smith of Sumter, St. Clair, Strauss, Thompson, Tyler, Wells and Williams—29.

Nays—Messrs. Speaker, Alley, Appleton, Ashurst, Black, Boyd, Bradford, Bulger, Bullock, Callaway, Carmichael, Clements, Cochran, Cowan, Crook, Davis, Doster, Dustan, Etheridge, Gilchrist, Grayson of Madison, Gunn, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Howell, Kennedy, Leath, Lewis, McCall, Mancill, Miller, Moore, Murrah, Nininger, Payne, Powell, Raisler, Semmes, Sims, Smith of Greene, Smitherman, Speake, Steele, Taylor of Lauderdale, Toomer, Ware, White and Wyman—52.

The third and fourth paragraph were adopted.

Mr. Leath moved to amend the fifth paragraph by striking out the first subdivision, and also by striking out, in subdivision 3, the following words :

"And no person shall be eligible to any office in this State who is disqualified under the fourteenth amendment to the constitution of the United States;"

Which were adopted.

And the fifth paragraph was adopted—Yeas 54, nays 27.

Yeas—Messrs. Speaker, Alley, Appleton, Ashurst, Benson, Box, Boyd, Bradford, Bulger, Bullock, Calloway, Carmichael, Clements, Cowan, Crook, Davis, Drake, Ellison, Etheridge, Gilchrist, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Howell, Kennedy, Leath, Lewis, Lindsay, Mancill, Miller, Murrah, Payne, Powell, Raisler, Rice, Semmes, Sims, Smith of Greene, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Toulmin, Ware, Weatherford, White and Wyman—54.

Nays—Messrs. Black, Carlin, Clark, Cochran, Craig, Diggs, Dozier, Gaskin, Green, Haralson, Holmes of Sumter, Johnson of Dallas, King, Knox, McCaskey, Mooring, Nininger, Oates,

Perrin, Smith of Sumter, St. Clair, Thompson, Toomer, Tyler, Wells and Williams—27.

The substitute was adopted—Yeas 50, nays 24.

Yeas—Messrs. Speaker, Appleton, Ashurst, Benson, Box, Boyd, Bradford, Bulger, Bullock, Calloway, Carmichael, Clements, Cowan, Crook, Davis, Etheridge, Gilchrist, Grayson of Clarke, Grayson of Madison, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Howell, Leath, Lewis, Lindsay, Miller, Mooring, Murrah, Nininger, Payne, Powell, Raisler, Rice, Semmes, Smith of Greene, Smith of Sumter, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Toulmin, Ware, Weatherford, White and Wyman—50.

Nays—Messrs. Black, Carlin, Clark, Craig, Diggs, Dozier, Gaskin, Gee, Green, Gunn, Haralson, Henderson, Holmes of Sumter, Johnson of Dallas, King, Knox, McCaskey, Oates, Perrin, St. Clair, Thompson, Tyler, Wells and Williams—24.

Mr. Smith of Choctaw, at his own request, was excused from voting.

The amendment of Mr. Henderson, which was offered on the 13th of December last, and still pending, was adopted—Yeas 41, nays 40.

Yeas—Messrs. Alley, Black, Boyd, Carlin, Clark, Cochran, Cowan, Craig, Davis, Diggs, Doster, Dozier, Drake, Duskin, Gaskin, Gee, Gilchrist, Green, Haralson, Henderson, Hitchcock, Hodo, Howell, Johnson of Dallas, King, Knox, McCall, McCaskey, Miller, Moore, Nininger, Perrin, St. Clair, Steele, Taylor of Lauderdale, Taylor of Winston, Thompson, Tyler, Weatherford, Wells and Williams—41.

Nays—Messrs. Speaker, Appleton, Ashurst, Benson, Box, Bradford, Bulger, Bullock, Calloway, Carmichael, Crook, Ellison, Etheridge, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Henry, Hewitt, Kennedy, Leath, Lewis, Lindsay, Lowe, McDermott, Mancill, Mooring, Murrah, Oates, Payne, Raisler, Rice, Semmes, Smith of Choctaw, Smith of Greene, Speake, Strauss, Toomer, Toulmin and Ware —10.

Mr. Boyd moved to adjourn.

Mr. Speaker ruled the motion out of order.

Mr. Boyd appealed from the decision of the chair.

And the question being, Shall the chair be sustained ? it was put and lost.

Mr. Boyd, by leave, withdrew his motion to adjourn ;

Whereupon the motion was renewed by Mr. Perrin.

Yeas, 32, nays 49.

Yeas—Messrs. Benson, Box, Bullock, Carlin, Crook, Dozier, Dustan, Gaskin, Gilchrist, Haralson, Hewitt, Hitchcock, Hodo,



Kennedy, Knox, Lewis, Lindsay, McCaskey, Miller, Moore, Mooring, Ninninger, Payne, Perrin, Semmes, Smith of Greene, Speake, Thompson, Toulmin, Tyler, Weatherford and Williams—32.

Nays—Messrs. Speaker, Appleton, Ashurst, Black, Boyd, Bradford, Bulger, Calloway, Carmichael, Clark, Cochran, Cowan, Craig, Davis, Diggs, Doster, Drake, Duskin, Ellison, Etheridge, Gee, Grayson of Madison, Green, Gunn, Hamilton, Henderson, Henry, Howell, Johnson of Dallas, King, Leath, Lowe, McCall, McDermott, Mancill, Murrah, Oates, Raisler, Rice, Smith of Choctaw, St. Clair, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Toomer, Ware, Wells and White— 49.

The joint resolutions were read a third time, under a suspension of the constitutional rule.

Mr. Hewitt arose to a point of order, that the constitution required the joint resolutions to be read on three several days in each house, and that the constitutional rule requiring bills to be read on three several days, unless suspended by a four-fifths vote, did not apply.

The Speaker decided the point not well taken, and overruled the same.

Mr. Hewitt appealed from the decision of the chair ;  
And the question being. Shall the chair be sustained ?  
It was decided in the affirmative.

The question being on the passage of the joint resolutions, they were passed—Yeas 55, nays 26.

Yeas—Messrs. Speaker, Appleton, Ashurst, Benson, Box, Boyd, Bradford, Bulger, Bullock, Calloway, Carmichael, Cowan, Crook, Davis, Doster, Drake, Etheridge, Gilchrist, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Henderson, Henry, Hewitt, Hitchcock, Hodo, Howell, Kennedy, Leath, Lewis, Lindsay, McDermott, McCall, Mancill, Miller, Moore, Mooring, Murrah, Ninninger, Payne, Raisler, Semmes, Smith of Choctaw, Smith of Greene, Speake, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Toomer, Toulmin, Ware, Weatherford and White—55.

Nays—Messrs. Black, Carlin, Clark, Cochran, Craig, Diggs, Dozier, Duskin, Ellison, Gaskin, Gee, Green, Haralson, Johnson of Dallas, King, Knox, Lowe, McCaskey, Oates, Perrin, Rice, St. Clair, Thompson, Tyler, Wells and Williams—26.

On motion of Mr. Murrah—

The House adjourned until to-morrow morning 10 o'clock.

## THIRTY-SIXTH DAY.

SATURDAY, January 20, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Morris.

The journal of yesterday was read and approved.

Mr. Mooring, by leave, introduced a bill—

To relieve Miss Annie E. Mil house, of Dallas county, of the disabilities of non-age ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Mr. Bullock moved to reconsider the vote by which the joint resolutions proposing certain amendments to the constitution ;

Was adopted.

Nr. Boyd moved to lay the motion on the table ;

Which was lost.

And on motion of Mr. Bullock—

Was carried.

Mr. Hewitt moved to reconsider the vote by which the joint resolutions were ordered to a third reading ;

Which was carried.

Mr. Wyman moved to reconsider the vote by which the bill—

To authorize the Governor to subscribe for a map of Alabama ;

Was ordered to a third reading,

Which was carried.

By leave, Mr. Wyman introduced a bill—

To authorize Bryce Wilson to pay over certain moneys therein named, to R. S. Watkins, attorney at law ;

Which was read three times, under a suspension of the constitutional rule, and passed.

On motion of Mr. Henry—

The vote by which the bill,

To incorporate the town of Girard was passed,

Was reconsidered.

Also,

The vote by which the bill was ordered to a third reading ;

And the bill was laid on the table.

Messages from the Senate, by Mr. Whiting—

SENATE CHAMBER,  
January 20, 1872.}

Mr. Speaker :

The Senate has passed House bills as follows:

To authorize the corporate authorities of the town of Prattville, to subscribe to the capital stock of the South and North Alabama railroad.

M. P. BLUE,  
Secretary.

EDUCATION.

Mr. Wyman, from the committee on education, reported favorably to the following bills ;

For the relief of R. S. Watkins, of Franklin county.

To issue a patent to lands therein described, to Daniel Carlisle.

To amend an act to incorporate the female institute of the Tennessee Annual Conference of the Methodist Episcopal church at Athens, Alabama ;

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

Mr. Wyman, from the same committee, reported favorably to the Senate bill—

To direct how a certain judgment recovered by township 6, range 10, when collected, shall be paid ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Wyman, from the same committee, reported favorably to the bill—

To repeal subdivisions 1 and 4, of section 756, of the Revised Code, with an amendment, as follows :

Provided, this act shall in no way affect the educational fund, estimated and apportioned for the present scholastic year.

The House refused to adopt the amendment.

Mr. Gaskin moved to indefinitely postpone the bill;

Which, on motion of Mr. Oates—

Was laid on the table.

Mr. Oates moved to strike out the words " and 4 of " after the word "one";

Which was lost.

The bill was read a third time, under a suspension of the constitutional rule, and passed.

Yeas 46, nays 27,

Yeas—Messrs. Speaker, Appleton, Ashurst, Benson, Box, Bradford, Bullock, Calloway, Clements, Coleman, Cowan, Davis, Doster, Etheridge, Grayson of Clark, Grayson of Madison, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Howell, Johnson of Coosa, Kennedy, Leath, Lindsay, McDermott, Mancill, Miller, Mooring, Murrah, Oates, Payne, Raisler, Rice, Smith of Greene, Smitherman, Steele, Strauss, Taylor of Lauderdale, Ware, Weatherford and Wyman—46.

Nays—Messrs. Black, Boyd, Carlin, Clark, Cochran, Craig, Diggs, Dozier, Drake, Duskin, Gaskin, Gee, Haralson, Henderson, Johnson of Dallas, King, Knox, McCall, McCaskey, Ninninger, Perrin, St. Clair, Taylor of Winston, Tyler, Wells and Williams—27.

Mr. Wyman, from the same committee, reported favorably to the

Joint resolutions on the subject of the swamp and overflowed lands of the State, with an amendment, as follows :

Strike out at the close, the words "to claim the refunding or replacing of such of said lands as may have been disposed of by the United States since September 28th, 1850"; and insert in lieu thereof, the following words, "to ask for the refunding of the moneys arising from the sale of such of said lands as may have been disposed of by the United States government since September 28th, 1850."

The amendment was adopted ;

And the resolutions, as amended, were adopted.

Also,

From the same committee, reported favorably to the bill—

For the relief of the indigent insane, with an amendment, as follows:

Strike out the "proviso" to the bill.

The amendment was adopted ;

And the bill read a third time under a suspension of the constitutional rule, and passed.

To authorize the superintendent of public instruction to correct an error in school funds due to Morgan county.

To repeal article 1, chapter 1, title xi, part 1, of the Revised Code ;

Which were severally concurred in.

Mr. Speaker laid before the House a communication from

Hon. Joseph Hodgson, superintendent of public instruction,  
in response to a resolution of the House ;

Which, on motion of Mr. Smith of Choctaw—

Was referred to the committee on ways and means, with  
instructions to report by bill or otherwise.

#### FINANCE.

Mr. Bullock, from the committee on finance, reported adversely to the bills—

To appropriate ten thousand dollars to pay Mrs. James H. Clanton for services rendered the State by James H. Clanton, in the matter of the Alabama and Chattanooga railroad.

To authorize the Governor to draw his warrant on the treasurer for the sum of ten thousand dollars, for the use and benefit of the widow and children of Gen. James H. Clanton, deceased, in lieu of professional services rendered the State ;

Which were severally concurred in.

#### INTERNAL IMPROVEMENTS.

Mr. Lowe, from the committee on internal improvements, reported adversely to the bills—

To incorporate the Tennessee and Coosa canal company, and to grant certain privileges therein named.

To authorize the consolidation of the Alabama and Georgia railroad company (organized under the general laws of this State) with the Memphis branch railroad company of the State of Georgia, and other States, and to grant certain powers and privileges therein named.

Which were severally concurred in.

Mr. Moore, from the same committee, reported favorably to the bill—

To amend section six of an act to authorize the several counties and towns and cities of the State of Alabama, to subscribe to the capital stock of such railroads throughout the State, as they may consider most conducive to the respective interests, with an amendment, as section 3, as follows :

Be it further enacted, That the foregoing provisions of this act shall not be held to apply to the counties of Madison, Marshall, Henry, Etowah and Dale, and the cities of Huntsville, Eufaula and Gadsden.

The amendment was adopted;

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

Also, from same committee, favorably to the bill —

To authorize and require the governor to date the indorsement upon certain railroad bonds therein named.

On motion of Mr. Boyd, the report was laid on the table.

Mr. Lowe, from the same committee, reported favorably to the bill,

To authorize the commissioners court of Limestone county to build a bridge over Elk river in said county ;

Which was read three times, under a suspension of the constitutional rule; and passed.

#### LOCAL LEGISLATION.

Mr. Moore, from the committee on local legislation, reported back to the House the bill—

For the relief of Daniel Cumbic, administrator of Michael Deason, deceased, and requested that it be referred to the judiciary committee, and the bill was so referred.

Also, from same committee, adversely to the bill—

For the relief of Thomas H. Bailey of Washington county;

Which was concurred in.

Also, from the same committee, reported favorably to the bill—

For the relief of Rachel Baccus of Marion county, with an amendment as follows :

Add the names of Rev. Reuben Wilson and Mrs. Rufiner Cook of Jackson county ;

The amendment was adopted.

Mr. Box moved to indefinitely postpone the bill ;

Which was lost.

Yeas 33, nays 34.

Yeas—Messrs. Speaker, Appleton, Box, Bradford, Bullock, Calloway, Clark, Cochran, Diggs, Dozier, Drake, Etheridge, Gaskin, Gilchrist, Grayson of Clark, Green, Hewitt, Hitchcock, Hodo, Kennedy, Leath, Mancill, Oates, Perrin, Powell, Semmes, Smith of Green, Smitherman, Speake, Strauss, Taylor of Lauderdale, Taylor of Winston, and Toulmin —33.

Nays—Messrs. Ashurst, Black, Boyd, Carlin, Cowan, Craig, Crook, Davis, Gee, Grayson of Madison, Gunn, Hamilton, Haralson, Henry, Howell, Johnson of Coosa, Johnson of Dallas, Knox, Lindsay, Lowe, McCaskey, Miller, Moore, Moor-

ing, Murrah, Nininger, Payne, Raisler, St. Clair, Thompson  
Tyler, Ware, Weatherford and Wells—34.

#### LEAVE OF ABSENCE.

Leave of absence was granted Mr. Dozier for one day.

Pending the consideration of the bill—

On motion of Mr. Haralson—

The House adjourned until Monday morning, 10¼ o'clock.

Yeas 44, nays 26.

Yeas—Messrs. Speaker, Appleton, Black, Box, Bradford, Bullock, Carlin, Clark, Cochran, Craig, Davis, Diggs, Doster, Dozier, Drake, Duskin, Gaskin, Gee, Gilchrist, Haralson, Hewitt, Hitchcock, Hodo, Johnson of Coosa, Johnson of Dallas, Kennedy, King, Lindsay, Mancill, Moore, Mooring, Murrah, Nininger, Raisler, Rice, Semmes, Smith of Greene, Smitherman, Speake, Thompson, Toulmin, Ware, Weatherford and Wells—44.

Nays—Messrs. Ashurst, Boyd, Galloway, Cowan, Crook, Ellison, Etheridge, Grayson of Madison, Hamilton, Henderson, Henry, Howell, Knox, Leath, Lowe, Miller, Payne, Perrin, St. Clair, Strauss, Taylor of Lauderdale, Taylor of Winston, Williams and Wyman—26.

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#### THIRTY-SEVENTH DAY.

MONDAY, January 22, 1872.

The House met pursuant to adjournment.

Prayer by Mr. Murrah of the House.

Journal of Saturday was read and approved.

By leave, Mr. Carmichael offered the following resolution, which lies over one day :

Resolved, That hereafter the House of Representatives shall convene at 10 o'clock, a. m., and adjourn at 2 o'clock, p. m., and convene again at 3½ o'clock, p.m., and adjourn at will, each day, until the close of the session.

Mr. Moore asked leave of absence for the committee on the location of the agricultural college, to visit Tuscaloosa;

Which was granted.

On motion of Mr. Gunn, the vote concurring in the adverse report of the committee on the bill—

To authorize the superintendent of public instruction to correct an error in school funds due to Morgan county, was reconsidered.

#### CALL OF THE COUNTIES.

Upon the call of the counties the following bills were introduced :

By Mr. Clark—

To increase the pay of county commissioners of the county of Barbour ;

Which was read twice, under a suspension of the constitutional rule ;

On motion of Mr. Oates—

Was laid on the table.

By Mr. Smitherman—

To incorporate the town of Centreville, in Bibb county.

Also—

To amend an act to incorporate the trustees of the Centreville academy, in the county of Bibb ;

Which were severally read twice, under suspension of the constitutional rule, and referred to the committee on corporations.

Also—

To amend section 759 of the Revised Code, so far as the same relates to the county of Bibb ;

Which was read twice, under suspension of the constitutional rule, and referred to the committee on the revision of the laws.

Also,

For the relief of John W. McConnel of Bibb county

Also,

For the relief of L. H. Kuniard of Bibb county from payment of excessive taxes.

Also,

For the relief of the estate of J. L. Hicks

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on accounts and claims.

By Mr. Payne—

To amend section 1323 of the Revised Code, so far as relates to Blount county.

Also,

18h



To repeal section 1374 of the Revised Code, so far as relates to Blount county.

By Mr. Carmichael—

To repeal an act to suppress murder, lynching and assaults and batteries, approved December 28, 1868, so far as the same relates to the county of Dale.

Also,

To amend an act to prohibit the sale of spirituous liquors within two miles of Clopton academy, in the county of Dale.

By Mr. Gates—

To change the voting precinct in beat No. 13, in Henry county ;

Also,

To regulate the assessing of the poll tax in the counties of Henry and Greene ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

By Mr. Grayson of Clarke—

To prohibit the sale of liquors within two miles of the court house at Grove Hill, in Clarke county.

Also—

To prohibit the sale of liquors within two miles of Salem church, in Clarke county.

By Mr. Moore —

For the relief of Eliza Roach, Elizabeth Scott and Parmelia Lizenberry, of the county of Henry.

By Mr. Weatherford—

For the relief of Harriet Hughes of Franklin county ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. Grayson of Clarke—

To amend section 3832 of the Revised Code.

Also,

To amend section 916 of the Revised Code.

Also,

To repeal section 917 of the Revised Code.

By Mr. White—

To limit and fix the amount of property exempt from sale under execution, or other final process,

By Mr. Carmichael—

To add certain territory to the 11th district of the eastern chancery division of Alabama.

My Mr. Oates—

To amend section 2371 of the Revised Code ;

Which was read twice under a suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. White—

To repeal an act to amend section 26 of an act to regulate elections in this State, approved October 8, 1868.

Also,

To amend and repeal section 69 of an act to regulate elections in this State, approved October 10, 1868 ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on privileges and elections.

By Mr. Carmichael—

To amend section 2 of an act to create a new chancery district out of the county of Dale, approved February 18, 1871;

Which was read twice, under a suspension of the constitutional rule, and referred to a special committee of three, as follows :

Messrs. Carmichael, Oates and Black.

By Mr. Cochran—

To regulate the mode of taking and approving official bonds of county officers.

By Mr. Oates—

For the relief of the Montgomery Female Seminary, of which Mrs. Emily Littlepage is principal.

Also,

To amend subdivision 16 of section 3 of an act to establish revenue laws for the State of Alabama, approved December 8, 1868 ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means.

By Mr. White—

A joint memorial to the Congress of the United States, asking relief in certain cases ;

Which was adopted.

By Mr. Oates—

Presented a petition from citizens of Henry county praying for the formation of anew county out of southern part of Henry and eastern portions of Dale and Geneva counties ;

Which was referred to the committee on counties and county boundaries.

## REPORT FROM A SPECIAL COMMITTEE.

Mr. Murrah, from a special committee, reported favorably to the bill—

To limit the sale of vinous, spirituous or malt liquors in the State of Alabama, with an amendment by way of substitute.

And on his motion, the consideration of the bill was postponed, and made the special order for Friday next, at 12 o'clock, m.

## ENROLLED BILLS.

Mr. Powell, from the committee on enrolled bills, reported the following as correctly enrolled :

To authorize John E. Bishop, guardian of W. F. Pool and Nancy E. Pool, to sell the land belonging to said minors at private sale.

To prohibit the sale of liquors within three miles of Whitten's shop, in the county of Lee.

To authorize and empower Elisha R. Parker, guardian of his minor children, to sell the lands belonging to the estate of such minors, at private sale, for the purpose of re-investment.

To prohibit the sale of spirituous liquors within one mile of Pine Grove Academy, in Pickens county.

To extend the time in which the Mobile harbor and railroad company have to complete their harbor and railroad.

To relieve James A. Wade, foreign executor of the estate of W. Wade deceased, from the requirements of section 2293 of the Revised Code of Alabama, and to authorize him as said executor to sue and recover in a certain cause pending in the chancery court at Abbeville, Alabama, the same as if it were a suit in his own right.

To prohibit the sale of spirituous liquors within the town of Oxford, and within five miles thereof.

To authorize the corporate authorities of the town of Prattville to subscribe to the capital stock of the South and North railroad.

Message from the Senate, by Mr. Whiting :

SENATE CHAMBER,  
January 22, 1872. }

Mr. Speaker :

The Senate has originated and passed the following bills:

For the relief of Samuel N. Brown of Macon county.

To authorize Friendley Grubbs of Barbour county, and Samuel N. Brown of Macon county, to peddle and auction without a license or tax.

To prohibit the sale of vinous or spirituous liquors at or within two miles of Liberty church and Central academy, in the county of Bullock.

For the relief of J. N. and George Walker of Dale county, Alabama, of non-age.

To authorize Gr. S. Wingo, a citizen of Colbert county, to auction and peddle without a license or tax.

For the relief of James H. Hardwick of Montgomery county and Henry C. Hurst of Jefferson county.

M. P. BLUE,  
Secretary.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the

GENERAL ORDERS.

The bills—

To repeal "an act for the suppression of secret organizations of men disguising themselves for the purpose of committing crimes and outrages," approved December 26, 1868, so far as it applies to the counties of Madison and Henry ;

To confer upon the chancery court jurisdiction and authority to relieve minors of the disabilities of non-age ;

Were severally read a third time and passed.

The Senate bill—

To authorize the sheriff of Bullock county to sell property on any Monday in the month,

Being on its second reading—

Mr. Hewitt moved to amend by additional section, as section three ;

Which was adopted.

The bill was read a third time under suspension of the constitutional rule, and passed.

The bill to reduce and fix the per diem and mileage of the General Assembly ;

Was read a second time,  
 And on motion of Mr. Henderson—  
 Was laid on the table.  
 Yeas 38, nays 23.

Yeas—Messrs. Speaker, Bradford, Bullock, Clark, Cochran, Craig, Crook, Diggs, Drake, Duskin, Dustan, Ellison, Gee, Grayson of Madison, Haralson, Henry, Hodo, Holmes of Sumter, Johnson of Dallas, Kennedy, King, Lindsay, Lowe, McCaskey, Moore, Murrah, Payne, Perrin, Semmes, Smith of Greene, Smith of Sumter, Smitherman, St. Clair, Steele, Taylor of Winston, Thompson, Tyler and Wells—38.

Nays—Messrs. Box, Boyd, Carmichael, Clements, Cowan, Davis, Gilchrist, Grayson of Clarke, Green, Hamilton, Hewitt, Hitchcock, Howell, Johnson of Coosa, Knox, Lumpkin, Mooring, Oates, Speake, Taylor of Lauderdale, Toulmin, Weatherford and White—23.

The bill to authorize and require the commissioner court of Montgomery county to establish a public pound in township 14, range 20, and south half township 15, range 20, in said county ;

Was read a second time,  
 And referred to the committee on agriculture.  
 The bill—

To inflict penalties upon common carriers and their agents, for violation of laws in making unjust and illegal distinction, based on color, race and previous condition ;

Was read a second time,  
 And referred to the committee on the judiciary.  
 The bill—

To provide for the enrollment and organization of the militia of the State of Alabama, and to amend an ordinance for the organization of the volunteer militia ;

Was read the second time,  
 And referred to the committee on the military.  
 The bill—

To relieve all railroad companies of this State from the ten per cent. penalty on taxes assessed against them during the years 1870 and 1871 ;

Was read a second time,  
 And referred to the committee on ways and means.

The joint resolutions, proposing certain amendments to the constitution ;

On motion of Mr. Hewitt—

Were postponed and made special order for Thursday next at 12 o'clock.

The memorial, from the Montgomery board of trade, communicated to the House on 16th December last,

Was referred to the committee on industrial resources and immigration.

The Senate bill—

For the relief of J. W. Veasy of Macon county, and Eliza Shelton and Sam H. Hardwick of Montgomery county ; T. Jane Cook of Wilcox county, and J. D. Pitts of Bibb county, from the disabilities of non-age ;

Was read twice, under a suspension of the constitutional rule.

Mr. Dustan moved to amend, by inserting the name of Thomas D. Creagh, of Marengo county ;

Which was adopted.

And the bill was referred to the committee on local legislation.

The Senate bills—

To authorize L. B. Parker, of Coosa county, to sell at private sale, certain lands therein described, and make titles to the same.

To regulate the return of the venires of jurors and the service of list of jurors in trials for capital offences.

For the protection of holders of policies in life and fire insurance companies doing business in Alabama.

To regulate the mode of obtaining grand and petit jurors for the city court of Mobile, and prescribing the qualifications of such grand jurors.

To relieve Margaret Mathews, of Franklin county, from making annual settlements as guardians for wards ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

The Senate bills—

To authorize and require the tax collector of Etowah county to receive the general county tax in county claims, except the tax for special purposes.

For the relief of Edward T. Comegys, sr.

In relation to the payment of the interest on bonds of the Alabama and Chattanooga railroad company.

To refund a license tax to Fowler & House, of the county of Montgomery, improperly collected.

Which were severally read twice, under a suspension of the

constitutional rule, and referred to the committee on ways and means.

The Senate bills—

To prevent the sale of liquors within a mile of the Choccolocco bridge, in Talladega county.

For the relief of A. M. Granger.

To prevent the sale of liquors within four miles of the Hopewell Baptist church, and the Magnolia academy, in Lowndes county.

To prohibit the sale of liquors within two miles of Andrew Chapel, in Coosa county.

For the relief of Mrs. Nancy Brown, of Troy, in Pike county.

To regulate the pay and mileage of jurors and commissioners in Geneva county, and provide for the payment of the game.

To authorize Mrs. Kansas Murphree, of Pike county, to make titles to certain lands therein named.

In relation to the bunds and coupons to be issued by Tuscaloosa county, for building a bridge across the Warrior river ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

The Senate bill—

To amend 1063 of the Revised Code ;

Was read twice, under a suspension of the constitutional rule and referred to the committee on education.

The Senate bills—

For the relief of David W. Brown, a minor, of Dale county.

To change the county lines between Crenshaw and Pike counties.

To relieve W. Y. Wadsworth, of Autauga county, of non-age.

For the relief of Daniel J. Campbell, from the disabilities of non-age.

To make Mrs. Martha Beasley, of Bullock county, a free dealer.

For the relief of Thomas H. Mabson, Jr., of Bullock county.

For the relief of William M. Burnett of Butler, of non-age—

Were severally read a first time and ordered to a second reading.

The Senate bill—

To make the clerks of the circuit courts of Hale, Crenshaw and Barbour counties exofficio clerks of the county courts,  
 Was read twice, under a suspension of the constitutional rule, and ordered to a third reading.

The Senate bill—

For the relief of certain guards, summoned by Solomon E. Jordan, late sheriff of Randolph county ;

Was read twice, under a suspension of the constitutional rule, and referred to the committee on appropriations.

The Senate bill—

To make Susan L. Lee of Sumter county and Martha Louisa Elsberry of Lowndes county, free dealers ;

Was read twice, under a suspension of the constitutional rule.

Mr. Henry moved to amend by inserting the name of Mrs. Clara Burton, wife of A. A. Burton, of Macon county.

Mr. Holmes of Baldwin, moved to amend by inserting the name of Mrs. Judith C. Davidson, wife of Samuel R. Davidson, of Clarke county.

And the bills and amendments were referred to the committee on local legislation.

The Senate bill—

To amend the third and eighth sections of an act to incorporate the Pensacola & Mobile Railroad Company,

Was read twice, under a suspension of the constitutional rule, and referred to a special committee of seven, as follows :

Messrs. Moore, Powell, Etheridge, Strauss, Smith of Sumter, Hewitt and Henry.

The Senate bill—

To provide for permanently locating the lines between the counties of Bibb and Baker, and Shelby and Baker,

Was read twice, under suspension of the constitutional rule, and referred to the committee on counties and county boundaries.

The Senate bill—

To enable the citizens of Russell county to raise funds,  
 Which was read twice, under a suspension of the constitutional rule, and referred to a special committee, as follows :

Messrs. Henry, Carmichael and White.

The Senate bill—

To amend an act to make the circuit court clerk of Autauga county exofficio clerk of the county court,

Was read twice, under a suspension of the constitutional rule, and referred to the committee on fees and salaries.



The Senate joint resolution—  
 For the removal of political disabilities,  
 Was read.

Mr. Semmes moved to amend by striking out the word "rebellion" where it occurs in the preamble and resolution, and inserting the words "war between the States";

Which was adopted.

And the joint resolution, as amended, was adopted.

The Senate bills—

For the relief of Mrs. Nancy Vardeman of Coosa county ;

For the relief of Hannah S. Pate of Coosa county ;

To authorize Mrs. Elizabeth C. Prim to sell certain land therein described;

To authorize Mrs. Phereby Roberson to sell certain lands therein described ,

To authorize J. W. McBrayer to sell certain real estate.

To authorize Mrs. Lydia A. Ausborn to sell certain lands therein described.

Were severally read twice, under a suspension of the constitutional rule, and referred to the committee on local legislation.

The Senate bill—

To make the county of Hale the 14th district of the middle chancery division of Alabama, and to fix the time of holding the courts therein ;

Was read twice, under a suspension of the constitutional rule, and referred to the committee on the revision of the laws.

The Senate joint memorial—

To the congress of the United States for extending the time for selecting the swamp and overflowed lands;

And on the subject of aid by grant of lands to the Mobile & Northwestern Railroad Company ;

Were severally read and approved.

The Senate bill—

To repeal an act to incorporate the Pine Grove Church, in Barbour county ;

Was read twice, under a suspension of the constitutional rule, and referred to the committee on corporations.

The Senate bill—

To make Mrs. Leath Ann Ward, of Macon county, a free dealer,

Was read twice, under a suspension of the constitutional rule.

Mr. Lowe moved to amend by inserting the name of Mrs. Mary E. Hill, wife of W. R. Hill of Jackson county ;

Which was adopted.

Mr. Hewitt moved the indefinite postponement of the bill

Mr. Lowe moved to lay the motion on the table;

Which carried.

Mr. Smith of Sumter moved to amend by inserting the words, "all bachelors within the State" ;

When, on motion of Mr. Oates, the bill was laid on the table.

The Senate bill—

To amend the charter of the city of Opelika,

Was read twice, under a suspension of the constitutional rule, and referred to the committee on privileges and elections.

By leave, Mr. Bradford introduced a bill—

To require foreign life insurance companies to take out licenses to do business in this State ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means.

#### LEAVE OF ABSENCE.

Leave of absence was granted Mr. Ashurst for three days, and Mr. Sims for two days.

On motion of Mr. Haralson—

The House adjourned until to-morrow morning 10 o'clock.

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#### THIRTY-EIGHTH DAY

TUESDAY, January 23, 1872.

The House met pursuant to adjournment.,

Prayer by Mr. Howell of the House.

The journal of yesterday was read and approved.

#### REPORTS FROM COMMITTEES.

Under the rule of the House, the first thing in order was the consideration of reports from committees.

The House proceeded to consider the bill reported by the committee on local legislation, and which was pending on the 20th inst., it being the bill—

For the relief of Rachel Baccus of Marion county, and Reuben Wilson of Jackson county.

Mr. Oates moved to amend by inserting the names of Giles Wilkins and Elvira Wilcorson of Henry county.

Mr. Bradford moved to lay the bill and amendment on the table ;

Which was lost.

And the amendment was adopted.

Mr. Smith of Greene moved to suspend the constitutional rule to give the bill a third reading forthwith.

Mr. Bulger moved to lay that motion on the table ;

Which was lost.

And the bill was read a third time under a suspension of the constitutional rule. and lost.

Yeas 24, nays 39.

Yeas—Messrs. Cowan, Craig, Davis, Diggs, Gee, Graham, Hamilton, Haralson, Henry, Howell, Johnson of Dallas, Kennedy, Lowe, McCall, McCaskey, Moore, Murrah, Payne, Raisler, St. Clair, Thompson, Tyler, Wells and Williams—24.

Nays—Messrs. Speaker, Alley, Box, Boyd, Bradford, Bulger, Bullock, Carmichael, Clark, Clements, Dozier, Drake, Duskin, Gaskin, Gilchrist, Grayson of Clarke, Gunn, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Johnson of Coosa, Lindsay, Lumpkin, Perrin, Powell, Semmes, Smith of Greene, Smith of Sumter, Smitherman, Speake, Steele, Speed, Strauss, Taylor of Lauderdale, Taylor of Winston, Toulmin, Weatherford and White—39.

Message from the Senate, by Mr. Whiting:

SENATE CHAMBER,  
January 23, 1872.}

Mr. Speaker :

The Senate has originated and passed a bill—

To prohibit the sale of liquors within three miles of Socapatoy chapel, or church, in Coosa county.

And has passed the following House bill;

To relieve Miss Annie E. Milhouse of Dallas county, of the disabilities of non-age.

M. P. BLUE,  
Secretary.

## ENROLLED BILLS.

Mr. Powell, from the committee on enrolled bills, reported as correctly enrolled a bill—

To relieve Miss Annie E. Milhouse from the disabilities of non-age.

By leave, Mr. Oates introduced a bill—

To enable and require receivers of railroads to discharge the duties required of them by law;

Which was read twice, under a suspension of the constitutional rule.

Mr. Bradford moved to amend by way of substitute.

On motion of Mr. Boyd—

The bill and amendment were referred to the special committee on railroads.

## LEAVE OF ABSENCE.

Leave of absence was granted Messrs. McDermott and King for two days,

On motion of Mr. Bullock—

The House adjourned until to-morrow morning 10 o'clock.

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 THIRTY-NINTH DAY.

WEDNESDAY, January 24, 1872.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Petrie.

The journal of yesterday was read and approved.

## CALL OF THE ROLL.

Upon the call of the roll, the following members answered to their names:

Messrs. Speaker, Ashurst, Benson, Box, Boyd, Bullock, Carmichael, Clark, Clements, Cowan, Craig, Crook, Curtis, Davis, Diggs, Dozier, Dustan, Ellison, Gaskin, Gee, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Green, Gunn, Hamilton, Henry, Hewitt, Hodo, Holmes of Sumter, Howell, Johnson of Dallas, Kennedy, Knox, Lindsay, Lumpkin, McCall, Murrah, Payne, Perrin, Powell, Raisler, Rice,

Semmes, Sims, Smith of Greens, Smith of Sumter, Smitherman, Speake, St. Clair, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Toulmin, Tyler, Weatherford, Wells and Williams—60.

On motion of Mr. Gunn—

The call of the counties was suspended for the purpose of allowing standing committees to report.

#### FEES AND SALARIES.

Mr. Box, from the committee on fees and salaries, reported adversely to the bills—

To regulate fees of notaries public, justices of the peace and constables in Morgan county ;

To pay coroners' juries ;

Which were severally concurred in.

Also, from the same committee, reported a substitute for the bill—

To provide for the payment of juries of inquest summoned by coroners.

The substitute was adopted and the bill read a third time, under a suspension of the constitutional rule. and passed.

Also, from same committee, reported favorably to the bill—

To allow coroners mileage ;

With the following amendment :

Strike out the words " twenty-five cents," where they occur, and insert " five cents ;"

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably to the bill—

To establish the compensation of electors of president and vice-president ;

With the following amendment:

Strike out the word "four" where it occurs, and insert the word "eight."

On motion of Mr. Lowe—

The bill was laid on the table.

#### ACCOUNTS AND CLAIMS.

Mr. Grayson of Clarke, from the committee on accounts and claims, reported adversely to the bills—

For the relief of John S. Corbin, late judge of the city court of Selma ;

For the relief of J. J. Hinds, of Lauderdale county ;

Which were severally concurred in.

Also, from the same committee, reported favorably to the joint resolution—

To provide for the payment of expenses incurred by a member of the committee appointed by the House of Representatives, at the last session of the general assembly, to visit the Alabama institution for the deaf and dumb and the blind, and the freedman's hospital, at Talladega.

Also, from the same committee, reported favorably to the bill—

For the relief of N. J. Skaggs, of Talladega county;

Which were severally read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, reported a substitute for the bill—

For the relief of A. L. Brooks and Messrs. Graham & Abercrombie.

Mr. Hewitt moved to lay the bill on the table;

Which was lost—Yeas 25, nays 45.

Yeas—Messrs. Box, Bullock, Clements, Cochran, Cowan, Crook, Gilchrist, Grayson of Madison, Hamilton, Hewitt, Hitchcock, Hodo, Holmes of Sumter. Howell, Lowe, Payne, Rice, Semmes, Smith of Greene, Smith of Sumter, Speake, Steele, Taylor of Lauderdale, Taylor of Winston and Weatherford—25.

Nays—Messrs. Speaker, Alloy, Ashurst, Benson, Black, Boyd, Bradford, Bulger, Carlin, Clark, Curtis, Davis, Diggs, Dozier, Drake, Duskin, Dustan, Ellison, Gaskin, Gee, Graham, Grayson of Clarke, Green, Johnson of Dallas, Knox, Lewis, Lindsay, Lumpkin, McCall, McCaskey, Murrah, Gates, Perrin, Powell, Raisler, Sims, Smitherman, Speed, Strauss, Thompson, Toomer, Toulmin, Tyler, Wells and Williams—45.

The substitute was adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

Yeas 42, nays 30.

Yeas—Messrs. Speaker, Alley, Ashurst, Benson, Black, Boyd, Bradford, Bulger, Carlin, Clark, Craig, Curtis, Davis, Diggs, Drake, Duskin, Dustan, Ellison, Gaskin, Gee, Graham, Grayson of Clarke, Green, Johnson of Dallas, Knox, Lewis, Lindsay, Lumpkin, McCall, McCaskey, Murrah, Oates,

Perrin, Powell, Raisler, Speake, Speed, Strauss, Thompson, Toomer, Weatherford, Wells, and Williams—43.

Nays—Messrs. Box, Bullock, Carmichael, Clements, Cochran, Cowan, Crook, Dozier, Grayson of Madison, Gunn, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Howell, Kennedy, Lowe, Moore, Mooring, Payne, Rice, Semmes, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Taylor of Lauderdale, and Taylor of Winston—30.

#### PENITENTIARY.

Mr. Benson, from committee on the penitentiary, reported favorably to the bill—

To amend section 3813 of the Revised Code ;

The bill was read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, adversely to the bill:

To appropriate money in a certain contingency for the penitentiary;

Which was concurred in.

#### MILITARY.

Mr. Toomer, from the committee on the military, reported favorably to the bill—

To prohibit fishing in any artificial pond or lake in this State, without the consent of the owners thereof ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Also, from the same committee, reported a substitute for the bill—

For the benefit of A. J. Cole of Coffee county.

On motion of Mr. Henry—

A further consideration of the bill was indefinitely postponed.

#### COUNTY AND COUNTY BOUNDARIES.

Mr. Steele, from the committee on counties and county boundaries, reported favorably to the bill—

To change the boundary lines between the counties of Hale, Marengo and Perry.

On motion of Mr. Duskin—

The bill was laid on the table.

Also, from the same committee, reported favorably to the bill—

To change the boundary lines of the counties of Butler and Crenshaw ;

The bill was ordered to a third reading.

Also, from the same committee, reported favorably to the bill—

To repeal an act to change and establish the line between the counties of Jackson and DeKalb, approved March 3d, 1870 ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably to the bill—

To change the county boundaries between the counties of Butler and Lowndes ;

Which was concurred in.

#### PUBLIC ROADS AND HIGHWAYS.

Mr. Payne, from the committee, on public roads and highways, reported favorably to the bill—

To declare Persimmon Creek in Butler county a public highway ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Also, from the same committee, a substitute for the bill—

To make notaries public apportioners of roads in certain cases.

The substitute was adopted.

And the bill was read a third time, under a suspension of the constitutional rule, and lost.

Also, from the same committee, adversely to the bill—

To regulate the rates and toll of public ferries in this State ;

Which was concurred in.

Mr. Steele, from the committee on counties and county boundaries, favorably to the bill—

Declaring E. T. Varner, R. R. Varner and L. V. Alexander, liners ;

Which was read a third time, under a suspension of the constitutional rule, and passed.



## PUBLIC PRINTING.

Mr. Taylor, from the committee on public printing, reported favorably to the bill—

To repeal an act to require the court of county commissioners to publish semi-annual exhibits of the receipts and expenditures of money for and on account of their respective counties ;

The bill was read a third time, under a suspension of the constitutional rule, and passed.

Also, from same committee, favorably to the bill—

To repeal acts to regulate the publication of legal and other notices, approved August 12, 1868, and October 10, 1868, so far as the same relates to the county of Dallas.

Mr. Hewitt moved to amend by inserting the county of Jefferson ;

Which was adopted.

And the bill read a third time, under a suspension of the constitutional rule, and passed.

Also, from same committee, made the following report—

The committee on public printing, to which was referred the communication of John A. Graham, with regard to the report of the commissioners appointed by the governor to examine the different State offices, have instructed me to say that the report of said commissioners, as placed in the hands of said committee, was substantially fastened together, that it remained thus fastened while in their possession, and until returned to the clerk of the House. The committee are, therefore, confident beyond a doubt, that said report, as received from the House, was returned to the clerk of the House without the loss of a line or ward.

Which was read, and the committee discharged from the further consideration of the subject,

## REVISION OF THE LAWS.

Mr. Bradford, from the committee on the revision of the laws, reported favorably to the bill—

To authorize Thomas E. Blanchard, a citizen of the State of Georgia, to qualify as executor of the estate to John Mitchell, deceased ;

With the following amendment:

Add to section 1 the following :

" Upon his giving bond with sufficient resident sureties in

the manner prescribed by law for executors and administrators generally ;

Which was adopted.

And the bill read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, reported a substitute for the bill—

To amend section 3517 of the Revised Code, with the following title :

In relation to the salary of the probate judge of Mobile county.

Its further consideration was postponed for the present.

Also, from the same committee, favorably to the bill—

To repeal section 3932 of the Revised Code ;

Which, on motion of Mr. Powell—

Was laid on the table.

Also, from same committee, favorably to the bill—

To amend section 2998 of the Revised Code.

With the following amendment : Strike out the following words at the ends of section one :

In all other cases the trial term of the attachment shall be the first term after the return term of the same ;

Which was adopted.

And the bill was read a third time, and passed, under a suspension of the constitutional rule.

Also, from the same committee, favorably to the following bills—

Authorizing judges of probate to change the names of persons applying therefor.

For the benefit of plaintiffs in attachments.

To amend section 3706 of the Revised Code.

To amend section 3734 of the Revised Code.

To authorize Harriet Billingslea to administer upon the estate of Robert J. Glenn

To allow prosecutors to have counsel in criminal cases, who shall be leading counsel in such cases.

To amend section 3688 of the Revised Code, to prevent children under twelve years of age from decoy or seizure.

To repeal an act entitled an act to repeal an act to authorize writs of garnishment against incorporated cities, towns and villages.

To amend sections 4377 and 4390 of the Revised Code.

To amend sections 9 and 11 of an act to establish a criminal court for the county of Dallas.

Were severally read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to the bill—

To amend section 1 of an act to fix the times of holding the courts in the fourth judicial circuit.

Mr. Taylor moved to amend by way of substitute ;

Which was adopted; .

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to the bill—

To amend section 2660 of the Revised Code,

With the following amendments :

Strike out the word "attachment" where it occurs in the eighth line, on page 2, in the amended section.

Also strike out the following words in the amended section, to-wit: "Made since 25th July, except upon renewals of contracts existing prior to 2&th July, 1865."

Also strike out the words " levy made " where they occur in the same section, and insert in lieu thereof the words, "the attachment levied;"

Which were adopted.

And the bill was read a third time, under a suspension of the constitutional rule and passed.

Also, from same committee, favorably to the bill—

To amend section 4397 of the Revised Code,

With the following amendment :

Strike out the words, "If sufficient evidence appears," and insert in lieu thereof, "If there is probable cause to believe the accused is guilty."

The further consideration of the bill was postponed and made the special order for to-morrow 10 o'clock.

Also, from same committee, favorably to the bill—

To amend section 2678 of the Revised Code ;

Which, on motion of Mr. Powell,

Was laid on the table.

Also, from the same committee, favorably to the bill—

To authorize the resignation of guardians;

Which was laid on the table.

Also, from same committee, favorably to the bill—

To amend section 3996 of the Revised Code,

With an amendment as follows :

Strike out the words, " and shall be confined in the county jail not exceeding ten days ;"

Which was adopted.

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

By leave, Mr. Graham offered the following resolution :

Which, under the rules, lies over one day :

Resolved, That after Saturday next, 27th inst., no new business shall be received, and no bills introduced into this House, except by special leave, until the business now on hand and the bills in the hands of committees, have been disposed of.

By leave, Mr. Boyd introduced a bill—

For the relief of Reuben J. Wilson and Rufnia Cook, of Jackson county:

Which was read twice, under a suspension of the constitutional rule, and ordered to a third reading.

Message from the Senate by Mr. Dereen :

SENATE CHAMBER,  
Montgomery, Jan. 23, 1872. }

Mr. Speaker :

The Senate refuses to concur in the House amendment to the Senate joint resolution for the removal of political disabilities.

M. P. BLUE,  
Secretary.,

Message from the Senate, by Mr. Whiting;

SENATE CHAMBER,  
January 24, 1872. }

Mr. Speaker :

The Senate has passed House bills as follows:

To preserve order at the China Grove Camp Ground, in the county of Dale.

To confer additional powers upon the mayor and council of Elyton.

To authorize Bryce Wilson to pay over certain monies therein named to R. S. Watkins, attorney at law.

To regulate the manner of giving notice of annual settlements of estates of decedents in the county of Calhoun.

To authorize the commissioners court of Baldwin county to levy a tax for the year 1871,

To allow Mrs. Elizabeth A. Preston of Wilcox county, to sell a house and lot in the town of Allenton.

To authorize Missouri Huyett, widow of D. H. Huyett, deceased, to sell the property belonging to said decedent at the time of his death.

To prohibit the sale of liquors within two miles of the town of Houston, in Winston county.

To amend an act entitled an act to prohibit the sale of spirituous or intoxicating liquors of any kind within two miles, in any direction, of the Clopton academy, in the county of Dale.

To repeal an act entitled an act to suppress murder, lynching, and assaults and batteries, approved December 28, 1868, so far as the same relates to the county of Dale.

To change the voting precinct in beat No. 13, in the county of Henry.

For the relief of R. S. Watkins, of Franklin county.

To issue a patent to lands, therein described, to, Daniel Carlisle.

For the relief of the indigent insane.

To repeal an act entitled an act in regard to roads, bridges and ferries, in the county of Mobile.

And has adopted House joint memorial to the congress of the United States, asking relief in certain cases.

And has amended and passed, as therein shown—  
House joint resolution on the subjct of the swamp and overflowed lands of the State.

To authorize Williamson Spears, of Coosa county, to peddle without license.

To repeal subdivisions 1 and four of section 957 of the Revised Code.

M. P. BLUE,  
Secretary.

The following message was received from the Governor, by Mr. Chardavoyne:

Mr. Speaker ;

I am directed by his excellency the governor to inform you that he has approved the following bills originating in the House of Representatives :

To authorize James E. Scott, administrator of the estate of Thos. Gough, deceased, to sell certain lands at private sale.

To relieve the Montgomery & Eufaula railroad company from the penalty on delinquent taxes for 1870.

To authorize B. L. Turner, of Choctaw county, to redeem certain lands sold for taxes, and purchased by the State.

For the relief of Mrs. Mary Groves, wife of Joseph Groves, of Dallas county.

To prohibit the sale of liquors within three miles of Whitten's shop, in the county of Lee.

To relieve from the disabilities of non-age Carrie Nelson Goree, of Hale county.

To relieve James A. Wade, foreign executor of the estate of W. Wade, deceased, from the requirements of section 2293 of the Revised Code of Alabama, and to authorize him as said executor to sue and recover in a certain cause pending in the chancery court at Abbeville, Alabama, the same as if it were a suit in his own right.

To extend the time in which the Mobile harbor and railroad company have to complete their harbor and railroad.

To authorize the corporate authorities of the town of Prattville to subscribe to the capital stock, of the South and North Alabama railroad company.

To authorize John E. Bishop, guardian of W. F. Pool and Nancy E. Pool, to sell the land belonging to said minors at private sale.

To prohibit the sale of spirituous liquors within one mile of Pine Grove Academy, in Pickens county.

To authorize and empower Elisha R. Parker, guardian of his minor children, to sell the lands belonging to the estate of such minors at private sale, for the purpose of re-investment.

To prohibit the sale of spirituous liquors within the town of Oxford, and within five miles thereof.

To relieve Miss Annie E. Milhouse, of Dallas county, of the disabilities of non-age.

W. V. CHARDAVOYNE,  
Secretary.

#### REVISION OF THE LAWS.

Mr. Bradford, from the committee on the revision of the laws, reported favorably to the bill—

To amend section 3996 of the Revised Code ;

Pending consideration of which—

On motion of Mr. Knox—

The House adjourned until to-morrow morning 10 o'clock.

## FORTIETH DAY.

THURSDAY, January 25, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Petrie.

The journal of yesterday was read and approved.

The House proceeded to the consideration of the

## SPECIAL ORDER.

It being the bill—

To amend section 4397 of the Revised Code.

The question pending being on the adoption of the amendment reported by the committee on yesterday.

The amendment was adopted ;

And the bill read a third time, under a suspension of the constitutional rule, and passed.

## REPORTS FROM COMMITTEES.

Under the rule of the House, reports from committees being in order, the House proceeded to consider the bill pending at the adjournment on yesterday, as reported by the committee on revision of the laws, to-wit:

The bill—

To repeal "an act to amend section 3160 of the Revised Code, so as to allow appeals to the supreme court," approved August 12th, 1868.

On motion of Mr. Hewitt—

The further consideration of the bill was postponed, and made the special order for Saturday next, 12 m.

## REVISION OF THE LAWS.

Mr. Bradford, from the committee on the revision of the laws, reported favorably to the following bills :

To repeal an act for the relief of certain school officers, so far as it applies to the county of Washington.

To amend an act to regulate the publication of legal notices.

To repeal section 37 of the Revised Code.

To amend section 3705 of the Revised Code.

To repeal section 1374 of the Revised Code, so far as it relates to Randolph county.

To amend section 3046 of the Revised Code.

To authorize Isaac N. Johnson, guardian of John A. Lowe and Wm. A. Lowe, to sell lands belonging to his said wards, without asking application, proof or obtaining any order of sale.

Which were severally read a third time, under a suspension of the constitutional rule, and passed.

By leave, Mr. Hewitt introduced a bill—

To prevent the stoppage of railroad trains in this State.

Mr. Bullock moved to amend, by striking out the preamble ;

Which was carried.

Mr. Powell moved to amend, by inserting after the words "superior officers" in last clause of section 1, the following :  
"Under process of law, duly issued from a court of competent jurisdiction";

Which was adopted;

And the bill was referred to a special committee of five, as follows :

Messrs. Smith of Sumter, Bullock, Bradford, Doster and —

On motion of Mr. Henry—

The vote on the passage of the bill,

To authorize Thomas E. Blanchard, a citizen of Georgia, to qualify as executor of the estate of John Mitchell, deceased ;

Was reconsidered.

On motion of Mr. Payne—

The vote rejecting the bill,

To make notaries public apportioners of public roads in certain cases ;

Was reconsidered.

#### REVISION OF THE LAWS.

Mr. Bradford, from the committee on the revision of the laws, reported favorably to the bill—

To amend section 3694 of the Revised Code.

Mr. Bullock moved to amend, by inserting the words "owner," after the word "occupant";

Which was adopted.

Mr. Henry moved to amend, by inserting the words " in, on," before the words " along and across any public roads ";

Which was adopted,



And the bill was read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to the bill—

To exempt certain property therein named, from levy and sale under execution, or other final process of any court in this State for the collection of a debt.

The further consideration of which, was postponed, and made the special order for Monday next, 12 m.

On motion of Mr. Semmes—

The vote on the passage of the bill,

Declaring E. F. Varner, R. R. Varner and L. V. Alexander, liners between the counties of Barbour and Bullock ;

Was reconsidered.

#### REVISION OF THE LAWS.

Mr. Bradford, from the committee on the revision of the laws, reported favorably to the bill—

To amend section 1084 of the Revised Code,

With the following amendment :

Strike out the " proviso " in section one.

The amendment was adopted ;

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, reported favorably to the bill—

To amend section 2960 of the Revised Code ;

With an amendment, as follows :

Strike out the proviso, which is as follows :

" Provided the provisions of this act shall not apply to suits commenced by garnishments " ;

Which was adopted,

And the bill read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, reported back the bill—

To regulate the business of insurance in this State, and ask that the committee be discharged from its further consideration, and that the same be reported to a special committee, of five.

The committee were discharged, and the bill referred as recommended.

The committee are as follows :

Messrs. Oates, Carmichael, Grayson of Madison, Boyd and Bulger.

On motion of Mr. Haralson—

The vote on the passage of the bill,

To amend sections 9 and 11, of an act to establish a criminal court for the county of Dallas, approved February 23, 1870 ;

Was reconsidered.

#### JUDICIARY.

Mr. Bulger, from the committee on the judiciary, reported favorably to the following bills—

To exempt from administration property of decedents, and vest title in the widow or child or children.

To repeal section 2061 and 2062 of the Revised Code.

To amend sections 3514, 3515, 3517 and 3518, of the Revised Code.

To fix the time of holding the courts in the 6th judicial circuit.

To fix the time of holding the circuit court in Baldwin county.

To fix the time of holding the chancery court for the first district of the western chancery division.

To protect estates and purchasers in sales of property by executors, administrators, guardians and trustees.

To provide an additional term of the chancery division, composed of the county of Elmore.

To regulate the buying of lottery tickets in this State.

To provide an additional term of the chancery court for the 8th district of the middle chancery division, composed of the county of Bibb.

To remove the administration of the estate of George D. Ragland from Franklin county to Madison county.

To regulate the courts of the northern chancery division, so as to allow causes, to be submitted for final hearing in vacation.

To provide for the registration of deeds of conveyance in certain cases.

To regulate the business in the circuit courts of this State;

Which were severally read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, reported a substitute for the bill—

To ratify and confirm the actions of the courts in the State

of Alabama, had between the 11th January, 1861, and the 22d September, 1865.

The substitute was adopted.

And the bill read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to the bill—

To authorize the mayor of the city of Mobile to take cognizance of and try cases of misdemeanor, with the following amendment:

Insert after the word " misdemeanors" in line 5, section 1, the words "now triable by justices' of the peace in this State;"

Which was adopted.

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to the bill—

To amend sections 1827 and 1831 of the Revised Code.

The further consideration of the bill was postponed and made the special order for Tuesday next 12 o'clock, m.

Also, from the same committee, favorably to the bill—

In regard to the competency of witnesses.

Mr. Hewitt moved to amend by inserting after the words "subornation of perjury" the words "or grand larceny ;"

Which was adopted.

And the bill read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to the bill—

To secure physicians in the payment of their fees for services rendered in certain cases, and adversely to the amendments referred with the bill.

On motion of Mr. Bradford—

The bill was laid on the table.

Yeas 13, nays 38.

Yeas—Messrs. Speaker, Alley, Appleton, Benson, Black, Box, Bradford, Bulger, Calloway, Carmichael, Clark, Cochran, Diggs, Doster, Etheridge, Gaskin, Gee, Hamilton, Haralson, Hewitt, Hitchcock, Holmes of Sumter, Johnson to Coosa, Johnson of Dallas, Knox, Lumpkin, McCaskey, McDermott, Mancill, Moore, Perrin, Sims, Smith of Sumter, Speed, Strauss, Taylor of Lauderdale, Taylor of Winston, Thompson, Toomer, Tyler, Ware and White—43.

Nays—Messrs. Bullock, Carlin, Coleman, Cowan, Crook, Curtis, Davis, Dozier, Drake, Duskin, Dustan, Gilchrist, Graham, Grayson of Clark, Grayson of Madison, Green, Gunn, Hodo, Hewitt, Kennedy, Leath, Lewis, Lindsay, Mooring,

Murrah, Ninninger, Powell, Raisler, Rice, Semmes, Smith of Greene, Smitherman, Speake, St. Clair, Steele, Toulmin, Weatherford and Wells—38.

Also, from the same committee, favorably to the bill—

To provide for the election of solicitors ;

Which was read a third time, under a suspension of the constitutional rule, and lost.

Also, from the same committee, a substitute for the bill—

To amend section 1833 of the Revised Code ;

Which was adopted.

And the bill read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, reported a substitute for the bill—

To require the county treasurer's of Barbour and Randolph counties to retain sufficient funds to pay grand and petit jurors.

The bill and substitute were laid on the table.

#### ENROLLED BILLS.

Mr. Powell, from the committee on enrolled bills, reported the following as correctly enrolled :

To confer additional powers upon the mayor and council of the town of Elyton.

To authorize Missouri Huyett, the widow of D. H .Huyett, deceased, to sell the property belonging to said deceased at the time of his death.

To allow Elizabeth A. Preston of Wilcox county, to sell a house and lot in the town of Allenton, Alabama.

To regulate the manner of giving notice of annual settlements of estates of deceased persona in the county of Calhoun.

To authorize Brice Wilson to pay over certain moneys therein named to R. S. Watkins, attorney at law.

To repeal an act entitled an act in regard to roads, bridges and ferries, in the county of Mobile.

To preserve order at China Grove Camp Ground, in the county of Dale.

To authorize the commissioners court of Baldwin county to levy a tax for 1871.

For the relief of the indigent insane.

For the relief of R. S. Watkins of Franklin county.

To issue a patent to lands therein described to Daniel Carlisle.

To change the voting precinct in beat No. 13, in the county of Henry.

To repeal an act to suppress murder, lynching and assaults and batteries, approved December 28, 1868, so far as the same relates to the county of Dale.

Joint memorial to the Congress of the United States asking relief in certain cases.

To amend an act entitled an act to prohibit the sale of spirituous or intoxicating liquors of any kind Within two miles in any direction of the Clopton academy, in the county of Dale.

To prohibit the sale of vinous or spirituous liquors within two miles of the town of Houston, in the county of Winston.

Message from the Senate, by Mr. Perryman :

SENATE CHAMBER,  
January 25, 1872}

Mr. Speaker :

The Senate has passed House bills as follows :

To amend section 1323 of the Revised Code, so far as relates to Blount county.

To amend sections 1756 and 1757 of the Revised Code ;

To establish a criminal court for the county of Bullock, with criminal and civil jurisdiction.

To authorize and empower John T. Cook, judge of probate of Wilcox county, to complete and perfect the records and minutes of the proceedings of said court, which were left incomplete by his predecessor, James H. Burdick.

And has amended, as therein shown, and passed House bill,

To incorporate the J. H. Clanton hook and ladder company No. 1 of Union Springs, Alabama.

And has originated and passed bills as follows :

Allowing fees and mileage to coroners' juries.

For the relief of William C. McIver, administrator of the estate of Seaborn Jones, deceased.

M. P. BLUE,  
Secretary.

SENATE CHAMBER,  
January 24, 1872. }

Mr. Speaker :

The Senate has adopted the joint resolution herewith transmitted, proposing a joint committee of the two houses of the General Assembly, to examine into and report relative to the penitentiary and the condition of the convicts, and as to the removal of the penitentiary from its present location.

And has amended, as therein shown, and passed House bill, Authorizing and requiring the auditor to draw a warrant on the treasurer, to pay for legal services rendered the State by the late Gen. Jas. H. Clanton.

M P. BLUE,  
Secretary.

Mr. Lewis, from the committee to investigate the condition of railroads, &c., made the following report:

#### REPORT OF THE SPECIAL HOUSE COMMITTEE APPOINTED TO INVESTIGATE RAILROAD MATTERS.

Mr. Speaker :

The committee to whom was referred, by resolution of this House, the investigation of the following matters—

The endorsement of railroad bonds, the payment of interest on railroad bonds, the seizure of the Alabama & Chattanooga Railroad, the appointment of a receiver for such road, the sale and lease of property pertaining to said road by such receiver and his application of the proceeds arising therefrom, the adjudication of the Alabama & Chattanooga Railroad Company to be a bankrupt, the means by which the receiver of the State became the assignee of the bankrupt, the condition of the railroads that have received the aid of the State, and the forfeitures and penalties incurred by reason of the breach of any bonds or conditions given or provided for the protection of the State, has instructed me to make the following report ;

Their investigation has been surrounded by many difficulties and embarrassments, and is, therefore, neither full nor satisfactory as to most of the numerous subjects submitted to them. If the Senate had concurred in raising a joint committee with definite powers, with an appropriation to pay the expenses of securing the attendance of witnesses and the

taking of depositions, their labors might have secured results in some degree equal to the public expectation. Many important witnesses could not be found, and many failed to answer subpoenas sent to them, and your committee were powerless to compel their attendance.

The committee find, upon examination, that the State is now involved by the action of her former and present agents with different railroad companies as follows:

#### ENDORSEMENT OF BONDS.

Alabama & Chattanooga Railroad Company..	\$5,300,000 00
East Alabama & Cincinnati.....	400,000 00
Montgomery & Eufaula.....	1,200,000 00
Mobile & Montgomery.....	2,500,000 00
Selma & Gulf.....	640,000 00
Selma, Marion & Memphis.....	720,000 00
South & North .....	2,200,000 00
Mobile & Alabama Grand Trunk.....	320,000 00
Savannah & Memphis.....	320,000 00

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Total endorsed bonds..... \$13,600,000 00

#### STATE BONDS LOANED TO RAILROADS.

Alabama & Chattanooga Railroad Company..	\$2,000,000 00
Montgomery & Eufaula. ....	300,000 00
New Orleans & Selma (omitted by mistake )...	320,000 00
Total endorsed and straight bonds.....	\$16,220,000 00

This indebtedness, if the railroads which now claim the endorsement by the State of their bonds, are carried to completion, will be increased as follows :

South & North, 83 miles farther.. .....	\$1,826,000 00
Mobile & Alabama G. Trunk, about 230 miles.....	3,680,000 00
Vicksburg & Brunswick, about 240 miles.....	3,840,000 00
Selma, Marion & Memphis, about 80 miles.....	1,280,000 00
Montgomery & Eufaula, about 5 miles. ....	80,000 00
East Alabama & Cincinnati, about 180 miles.....	2,980,000 00
Savannah & Memphis, about 240 miles.....	3,240,000 00
Selma & Gulf, about 56 miles.....	896,000 00

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Total..... \$17,822,000 00

These figures, as to the prospective debt of the State on account of railroads, are not claimed to be literally correct, but they show enough to convince the representatives of the people that the subjects referred to your committee are of the most weighty importance, and will justify the separate consideration of each railroad company claiming the endorsement of the State.

#### THE EAST ALABAMA & CINCINNATI RAILROAD.

This company was incorporated during the session of the legislature of 1868, under the general law, and W. H. Smith, G. F. Harrington, John L. Pennington, J. J. Hines, W. T. Brown and Harris H. Wise, are the original corporators.

It appears from evidence before the committee, that no books of subscription were opened to the public, and the only money ever paid directly in, as stock, was \$25,000 00 by the city of Opelika. Some interest was realized on a portion of the bonds issued by the commissioners of Lee, Chambers and Randolph counties; but your committee is informed that these bonds have been annulled by judicial proceedings and any further collections in this direction forever restrained. The committee has taken the testimony of the two contractors, (one of whom is now a director,) who built the road from Opelika to its northern terminus ; and the character of the company is placed in no enviable light by their evidence. It is shown that nearly the entire work has been done on a credit, and has not yet been paid for, and their obligations as well as plighted word to the poor laborer have been repeatedly broken. They also state, that in addition to their large amounts yet due them as contractors, this company have given mortgages in favor of Clews & Co., Welch & Bro., and Walker, Bangs & Co., amounting in the aggregate to nearly \$500,000. Another fact stated by these witnesses tends to shed some light on former legislation concerning railroads, When the corporation was formed, composed of the then Governor, three Senators and two members of the House, an understanding was had with Mr. Stanton, that he would furnish them with money to build their road; and did by some arrangement with him, get \$80,000 through, his bankers, Clews & Co. The President further stated to one of these witnesses, that Stanton was obliged to let them have money to build their road.

The road has received from the State indorsements to the  
20h



amount of \$400,000, all made by the present governor ; these were made in two installments, three hundred and twenty thousand for the first twenty miles, the balance for five miles on the Tennessee & Coosa railroad, between Attala and Gadsden. This road obtained the indorsements under the act approved February 21, 1870, known as the general State aid law. The committee desire to call the attention of the House to such provisions of this act as were specially inserted for the protection and security of the State. In the first place, no indorsements can be obtained until proof is made by the president and treasurer of the company, that the first twenty miles were built from the resources of the company, independent of the State aid authorized by the act, that the amount required to build such twenty miles is not to be refunded in whole or in part from the proceeds of the bonds to be indorsed by the State, but that the means used in building them must be derived, bona fide, from other resources of said company ; and if the statement furnished is not true, the president and treasurer are liable to be punished by imprisonment in the penitentiary for not less than five nor more than ten years. No indorsement subsequent to the first twenty miles can be had, " until return is made by the company to the governor, showing the uses to which the money realized on each former installment of indorsed bonds has been applied, and unless the governor shall be fully satisfied that the money has been faithfully, honestly and economically expended, at the usual rates for the labor performed and material purchased. In addition to this, section fourteen of the act requires that before the governor shall indorse the bonds of the company, a board of commissioners by him appointed, shall file their sworn statement that the following conditions have been complied with, to-wit : That the superstructure has been well and properly laid upon a good substantial road-bed, with cross-ties of an average of at least seven (7) inches heart face, and six (6) inches by eight (8) inches, if sawed, and laid not more than thirty (30) inches from centre to centre, if hewed, nor more than twenty-seven (27) inches, if sawed, with rails of good quality, weighing not less than fifty pounds to the yard, connected by joint fastenings of approved pattern ; that the excavations and embankments have been brought to a proper slope, according to material, and to the grade adopted by the chief engineer for the permanent working of the road ; culverts shall be of substantial masonry, and bridges and trestles shall be substantial, and of the

most approved plan ; and the outfit and equipment has been provided sufficient to perform promptly and efficiently the business of the road.

If the witnesses, Robertson and Vischer, have spoken the truth, (and they came highly recommended,) the committee is at a loss to know how the president of this company could have filed the affidavit that the first twenty miles were built from the resources of the company, independent of the State aid ; that the amount required was not to be refunded in whole or in part from any proceeds raised by the use of the bonds indorsed by the State, but that the means used were derived, bona fide, from other resources of the company. Also, the witness, Robertson, testifies that he informed the governor in person, and the witness, Vischer, swears that he informed him by letter (both before these bonds were indorsed) of the insolvent condition of the company, the suits pending against them, the manner in which the road had been built, and the laborers treated.

It further appeared from the report of his own commissioners, that the conditions of section fourteen of the law had not been complied with. In some instances the excavations and embankments had not been brought to the proper slope for the permanent working of the road, and that some of the trestles were temporary or military-built, only for temporary purposes, and not of the most approved plan.

The five miles on which the second installment of bonds were indorsed by the governor for this company, are five miles of the Tennessee & Coosa rivers railroad.

It seems that these two companies came to some agreement by which the former claims to have purchased the road bed and right of way of the latter, paying the old stockholders in stock of the new company ; and demanded of the governor the indorsement of five miles from Attala to Gadsden.

This committee are unable to give the grounds upon which this action upon the part of the Executive was based, when it was well known that, by an act approved March 2, 1870, the State released the Tennessee & Coosa rivers railroad company from its indebtedness to the State, on account of a loan of a portion of the two and three per cent. fund, upon the express condition that said company should receive no further aid from the State by the indorsement of its bonds or otherwise. In the face of such positive legislative action, this committee are unable to find any authority for the indorsement of this installment of bonds. Besides, if the act of the legislature

could thus be evaded by a simple transfer of a road bed to another company, there were other grounds upon which these indorsements should have been refused.

The report of the commissioners shows that iron used was of a less weight than fifty pounds to the yard ; that it was not fastened by an " approved pattern"; the culverts were only a part masonry, the other part being wood, the trestles only temporary or military ; not meeting in four essential particulars the conditions prescribed by law. Neither was there any return as required by the act as to what use had been made of the bonds already issued, nor any proof that any proceeds derived therefrom, had been faithfully, honestly, and economically expended.

This road presents the remarkable spectacle of having reached its present proportions without resources of its own, and having, in conjunction with the action of the governor, increased the State's liabilities to nearly half a million of dollars, in the face of a law which reposes its sanction upon that clause of our constitution which provides that the State shall not pledge its credit in aid of railroads, except on undoubted security.

#### THE SELMA & GULF RAILROAD.

This company was chartered before the war by special act, but as it had received no indorsements of the State prior to February 21, 1870, it is governed in its application for State aid by the general State aid law, heretofore referred to, of that date.

It appears from the testimony of its president, and from the report of the present commissioners, that it received from Governor Smith indorsements to the amount of \$480,000 ; but there is upon file no proof, affidavits, or reports, which justified the late governor in making them ; and it is clear that they were made in violation of the provisions of the law.

The testimony taken establishes the fact that the road had no resources of its own, except about \$40,000 in private subscriptions, about \$36,000 of the three per cent fund, and \$60,000 in bonds loaned by the city of Selma.

The rest of the money used in its construction, amounting to more than half a million, was raised by the sale and hypothecation of the bonds indorsed by the State. The first twenty miles, instead of being built by bona-fide resources of the company independent of the State aid, was mostly built with

moneys advanced by Roddy, Bell & Co., who looked to the sale or hypothecation of the bonds to be indorsed by the State for their reimbursement.

The means by which the last installment of bonds to the amount of \$160,000 was obtained is involved in some mystery. The president swears that he knows personally of over \$500,000 of bonds being endorsed, and Gen. Roddy, the financial agent of the company, informed him that he had gotten the remainder of the \$640,000. All over \$480,000 were indorsed by the present Governor. When this committee was first raised the chairman addressed a communication to the Governor requesting him to furnish the committee with the names of all the roads for which he had indorsed bonds, and the amount of such indorsements. In his reply (which is hereto attached), the name of the Selma and Golf railroad is not mentioned ; and the record of his acts pertaining to railroads, called his railroad journal, furnishes no evidence of any indorsement for this road. Besides, it is proven that the work on this road as to cross-ties, road-bed and trestles, did not come up to the requirements of the law.

This road affords another extraordinary instance of a railroad corporation having secured the indorsement of its bonds in the plainest violation of the statutes ; and it now asserts that if further indulgencies are not granted to it in order to enable it to make connection with the city of Greenville, it will be forced to make default in the payment of interest on the bonds indorsed by the State. The work of grading has entirely suspended, the company hopelessly insolvent, without a dollar in its treasury.

#### THE ALABAMA AND CHATTANOOGA RAILROAD COMPANY.

This committee has not been able to acquire any information in addition to that reported last session by a special committee to this House in relation to the two million straight bonds. As to bonds indorsed by the State for this road, it appears that \$5,300,000 of bonds were issued during the late administration (or a road whose track is about two hundred and ninety miles in length, and which lacked about one hundred miles of completion when Governor Smith made his last indorsements therefor. As early as first of January, 1870, he was ahead nearly one million of dollars above the indorsement of \$16,000.

By his own confession these illegal indorsements were se-

cured by the active co-operation of the bankers, Souter & Co., Clews & Co., and Braunsfels, of the house of Emile Erlanger & Co., with the Stantons. This General Assembly, at its last session, not being in possession of all the facts, but being apprehensive from the nature of testimony taken by its special railroad committee, that enormous frauds had been practiced upon the State by a combination of these bankers, the Stantons and the late Governor, did, by an act approved March 8, 1871, entrust the further investigation of these grave matters to the present Governor, with instructions to pay interest only on valid bonds in the hands of innocent bona fide holders before the first of January, 1871. Neither in his answer to the communication of this committee, nor in his last annual message, are we informed how he arrived at the conclusion that \$4,780,000 of these bonds were legal and valid, and that the rest were illegal. Besides, there is not upon file in his office the slightest proof that any of the conditions of the law were complied with before his predecessor made such indorsements.

As to the investigation into the innocency of the holders of such bonds, prior to January 1st, 1871, it appears from his address to the people last April, and his annual message, that all the proof taken by him consisted in the affidavits of Mr. Souter, of the house of Souter & Co., and Mr. Goetsel, of the house of Goetsel & Co., the latter being the agents in the transactions of the house of Emile Erlanger & Co., of Paris. These affidavits are of a very remarkable character. Mr. Souter does not swear that the facts stated in his affidavit are true and correct, but simply swears that he had examined his books and found from them that he sold, &c. He does not say to whom he sold and delivered the indorsed or straight bonds; but the affidavit of Goetsel shows that he, for the house of Emile Erlanger & Co., bought the straight bonds; and the statement of Mr. Fitzhugh, of the house of Souter & Co., made before the committee of last session, is to the effect that Emile Erlanger & Co., also took the \$4,000 indorsed bonds, it being in the following language, to-wit: "About ten or eleven hundred thousand were placed in America, of which many have since gone to Europe through the house of Emile Erlanger & Co. All of the balance of the bonds were sold to Emile Erlanger & Co."

These affidavits, upon which the payment of interest was ordered by the Governor, do not disclose that any of these bonds were in the hands of innocent bona fide holders prior

to first January, 1871. And the Governor must have had before him both the testimony taken last winter by the railroad committee, and the extraordinary confession of his predecessor, made to him by letter of the date of April 3d, 1871, which advised him of the criminal complicity of these parties with the Stantons in procuring the fraudulent indorsement of these bonds. These are all the facts that your committee have been able to elicit upon which the Governor based his action in the payment of interest on the Alabama and Chattanooga railroad bonds.

The seizure of the road by the Governor, and the reasons assigned for it are matters of public notoriety. The road, depot, shops and rolling stock in Meridian were at the time in the hands of a mob ; and that Col. J. H. Gindrat, in order to gain possession of the property and appease those strikers, paid them ten thousand dollars and re-hired most of them to run the trains. This money was raised by pledging an engine and leasing to the Alabama Central road the use of the track for their trains from York to Meridian. This he considered the best policy to pursue to obtain possession of the road. He also raised several thousand dollars by the sale of old iron gathered up along the road, which he states was used in getting the road ready to run. In the discharge of the arduous task assigned him of securing this possession, Col. Gindrat seems to have labored with great zeal and energy. The testimony taken shows, however, much complaint along the road as to its mismanagement; and your committee feel well assured that many of these complaints are well founded. The receiver has made no settlement of accounts with the Auditor as required by law, and the superintendents has made no report in its proper sense as to receipts and disbursements. The treasurer of the road was summoned to attend before your committee with his books, but failed to do so. He assigned by telegram his reason for his refusal to be that he could not take the books from his office, and they were hourly needed for the transaction of business, but that he was willing to lay them before the committee if we would attend upon him. Particular attention is called by the committee to the testimony of Gen. Wofford, the receiver for the State of Georgia. He testifies to the long continued absence of Col. Gindrat from along the road ; that the terms of the agreement which he, as the representative of a sister State, had made with the receiver of Alabama, have been grossly and repeatedly violated by the subordinates of Col. Gindrat,

and that he has been subjected, by rude and violent men in the employment of the latter, to abuse and insult ; that these men, in possession of such valuable property, upon which so many vital interests hung, are running riot in the absence of all system, control and accountability ; that he has made known his grievances to the State Receiver and Governor without securing, on their part, any efforts for his relief.

This state of things has resulted in great hardships and annoyances to the traveling and shipping public, and in detriment to the interests of the State.

There is other testimony going to establish the good conduct and character of the employees of Col. Gindrat, but however this may be, there is no question that they are responsible, by stopping the trains at Attala, for the injuries and inconveniences that have been inflicted upon the public.

As to the adjudication of this company to be a bankrupt, it appears that the State as such has never been a party to the proceedings, yet the movement was not only encouraged and connived at, but controlled by the agent and attorneys of the State for the reasons fully set forth in the depositions of Colonels Troy and Clopton.

In this matter it is due to the governor here to say that he has followed the advice of able, zealous and patriotic counsel.

A copy of the orders of the United States District court, with the acceptance of Col. Gindrat of the office of custodian of the court and assignee in bankruptcy, are hereto attached. These documents show that Col. Gindrat, as far as it was possible for him to do, surrendered the possession of the State to the subjection of a court whose reputation ought to have deterred him from such a course.

There is also evidence of an effort on the part of a new board of directors for the Alabama and Chattanooga railroad company to effect on the morning of the 6th of November (the day the company was adjudged a bankrupt), a continuance of the proceedings with a view, as they asserted, to adjust all difficulties and secure the State against past and future loss. But the governor and his attorneys, after full consultation, felt assured that these parties sought delay for sinister purposes, and concluded it best to push the petition to a hearing. To throw as much light as possible upon the history of the doings of the executive department concerning this railroad, the committee called before it Gen. John T. Morgan who had formerly acted as an attorney for Mr. Stanton. and the attention of the house is called to his deposition. It is

due, however, to Gov. Lindsay to say, that in the course of an oral statement made to your committee in the executive chamber, who come before him at his own request, that he positively and emphatically denied ever making any such propositions as those detailed by Gen. Morgan to any person whatsoever. On this point his words were in substance as follows : "Gentlemen, you have seen it going the rounds of the papers, that I had said that I was a Stanton man, and had offered to make him Receiver of the road if he would turn it over to the State. There is not a word of truth in these reports. So far from their being true, I was lying down on my bed at the Exchange Hotel when the attorney of Stanton came in my room and made the proposition, and so indignant was I that I sprang from bed and told him no! by God, never ! never!" He further stated that Cols. Gindrat and Tait were present. Since this event he has told one of the committee that he was probably mistaken as to the presence of Col. Tait."

The committee has had information for several days that J. C. Stanton is in the city, and would like to be called as a witness before them, but his shameless career in Alabama had convinced them that he was unworthy of belief as a witness where he had any interests involved, and, therefore, they declined to summons him. The statement of Mr. Tucker shows that Stanton, by hypothecating a part of the bonds numbered from 4,720 to 5,300, together with other collaterals to Welch & Bro , bankers in Philadelphia, obtained from them before the first day of January, 1871, the necessary sum to pay the January interest on the bonds indorsed and loaned by the State to his company. This house being interested in certain securities of Alabama, seemed desirous of saving her from such grave financial complications as would follow from a failure of the railroad to meet such interest, and, therefore, loaned the money to him for that purpose. But true to his antecedents, he was only raising money upon false pretences and so soon as he got it in his pocket he hastened away to use it, as he afterwards wrote, to push ahead the completion of his road. The governor, according to annexed statement, promised these gentlemen to lay these matters before the legislature, but as he failed to do so, they request this committee to report the facts to you. Your committee, while they sympathize with these gentlemen in their losses, very cheerfully approve the course of the governor in refusing to



allow the interest to be paid on these illegal and fraudulent bonds, hypothecated by Stanton to them.

The report of the commissioners, as well as the testimony of witnesses, very clearly establishes that this road was not completed nor equipped within time or manner required by the conditions of the bond of the company, executed with personal security under the act approved February 11, 1870 ; and the committee recommend that in case the State is held legally liable on the two million loan, that suit be forthwith instituted to recover the penalties therein expressed.

Your committee attach the bonds given by the Receiver and governor for certain property in Chattanooga. While they are written upon the same paper, yet they are several obligations, and it is not correct that the latter is the surety of the former; yet your committee have found no warrant of law to justify the governor in executing a bond of \$200,000 for the forthcoming of property in the State of Tennessee. It was doubtless a case of great emergency, and he may have looked to the great interests involved for his vindication.

#### THE NEW ORLEANS S SELMA RAILROAD COMPANY.

There are no papers on file in the office of the governor showing that this company has ever applied for the indorsement of its bonds ; and the communication of the governor to your committee, heretofore alluded to, which was given to them as a full exhibit in connection with his railroad journal of all his doings in the indorsement of railroad bonds since his inauguration, contains no mention whatsoever of this road. Yet, it appears from information afforded to the committee by the Hon. Wm. M. Byrd, late president of said road, which information he procured through the financial agent of the company, that the present governor has indorsed bonds for this company to the amount of \$320,000. The committee do not undertake to determine whether the failure on part of the executive department to record the proofs and statements required by law to entitle this road to such indorsements was a mere inadvertence or an attempt to conceal transactions with a road whose insolvency had been made known to the governor before the application for indorsements was made.

The only bona fide resources ever possessed by this company was a small subscription paid in to enable an engineering corps to make a survey, and \$140,000 in Dallas county bonds

(the market value of which is not known to your committee), and the first twenty miles, at an expense exceeding \$400,000, was built by moneys realized by the hypothecation of these county bonds, and the first mortgage bonds of the company to the amount of \$1,500,000, a part of which are the bonds indorsed by the governor. Could anything be a clearer violation of that provision of the law which requires that the first twenty miles should be built with the bona fide resources of the company, independent of the aid of the State.

A portion of the directors constituted the contracting company, and their actions seem to have been ingenious devices to evade the letter and spirit of the law, and secure upon a mere thing of straw the State's obligations for millions of dollars. It is due to their former president, Col. Byrd, to say that he resigned his position because he was unwilling to be a party to their schemes.

#### SELMA, MARION AND MEMPHIS RAILROAD COMPANY.

This road received from the late Governor, endorsement of its bonds to the amount of \$780,000 when there were only forty miles completed. This would make the endorsement average \$18,000 instead of \$16,000 per mile. There are no proofs, affidavits or statements going to show that the late Governor regarded in the least the requirements of the law.

The president of this road has freely and publicly confessed the inability of his company to go on with the work, and at the same time meet the interest on the bonds already sold; and has already presented to the Legislature bills looking to his relief.

#### THE MOBILE AND ALABAMA GRAND TRUNK RAILROAD.

The affairs of this company are shown to be in a satisfactory condition. The first twenty miles have been built with bona fide resources of the company, independent of the State aid; and the records show that the road itself comes up fully to all the requirements of the law. The committee are gratified with the conduct of the officers of this company, and their great care to see that all the provisions of the act intended for the security of the State have been complied with. If the same good faith had been exhibited by all other companies, Alabama would to-day be free from her unhappy complication.

## THE SOUTH AND NORTH RAILROAD COMPANY.

This being a road of considerable length, with a large working force upon it, and with a special act increasing its indorsements from \$16,000 to \$22,000 per mile, the State's liability as such indorser, has been swollen to the sum of \$2,200,000.

As this special act was of doubtful constitutionality, and its passage secured by the means to bribery, as appears from the report of the former committee, it was hoped that the company would content itself with the same indorsement given to other roads.

The committee appreciate the great importance of this road, not only as a direct connecting link between South and North Alabama, but between our State and the great west ; and it is gratifying to know from the exhibits hereto attached, that the contract with the Louisville and Nashville railroad company has relieved it from its great embarrassments, restored it to solvency and assured its early completion.

The report of the State commissioners show that the portion of the road indorsed for by the present Governor, was such as was required by section fourteen of the State aid law, except as to one section of five miles, the embankment of which had not been brought to a proper slope ; and the rolling stock was not sufficient to do promptly and efficiently the business of the road. The committee can find no files or records going to show that any proof was submitted to the former Governor, according to the requirements of the State aid law ; nor did the present Governor require them to furnish satisfactory proof that the proceeds of former bonds indorsed by the State had been faithfully, honestly and economically expended at the usual rates for labor performed and material purchased, as was his duty under, the last proviso of section two of said act.

## MONTGOMERY AND EUFAULA RAILROAD.

This road received aid from the State both by the loan of \$300,000 straight bonds, and the indorsement of its first mortgage bonds to the amount of \$1,200,000.

The straight bonds were loaned under an act of the former legislature, approved March 3, 1870, which provides as security for the State that the company should execute and deliver to the Governor second mortgage bonds for the same amount,

bearing like interest, provide a sinking fund, give a bond with undoubted security for the faithful application of the proceeds of the bonds to the construction of the road, and a further bond, with undoubted security, conditioned that the road should be completed to the city of Eufaula by the first day of October, 1871. The second mortgage bonds were deposited as required ; but the committee have obtained no trace of the two personal bonds whose execution is made by the act conditions precedent to the issuance of the bonds.

As the road is not yet completed, these bonds, if in existence, are ample protection to the State, and the collection of their penalty would enable the State to retire the straight bonds, whose interest, according to the testimony of Lewis Owen, former president, has been paid since last June by the State without the matter ever having been referred to the general assembly for investigation.

The committee can find no law which authorized the present governor to instruct the treasurer to loan money out of the treasury to this company on personal security to pay its interest.

The committee feel bound to call the attention of the House to the fact that Lewis Owen declined to answer the question propounded to him as to whether the passage of this act was secured by bribery.

As this road received some indorsements prior to the enactment of the general State aid law of February 21, 1870, it is not amenable to its provisions, and the governors, R. M. Patton, W. H. Smith, and the present incumbent, who made the indorsements, had, under the former acts, little discretion, if any, left them, provided the work progressed and the interest was paid.

#### MOBILE & MONTGOMERY RAILROAD.

This company received the indorsement of the State under special act of former legislature, approved February 25, 1870, on bonds amounting to \$2,500,000, of which \$1,500,000 were indorsed by Governor Smith, and the balance by Governor Lindsay. There is no proof showing that any of the first installment of bonds were indorsed by the former subsequent to the inauguration of his successor, but, on the contrary, the files in the auditor's office show that such was not the case. It appears from the files that the company gave all the bonds and personal security required by the provisions of the act for

the security of the State ; but the committee do not find that the president, superintendent and managers of the company made their first return, under oath, of the entire mortgage indebtedness and judgment liens of said road, with a full statement of the facts of indebtedness, together with the names of the parties, persons or corporations holding the debts, in conjunction with a full account of all payments thereon, with vouchers, which return is required by section 6 of said act, before any of its provisions shall have the force and effect of law. It is, however, true that statements of the mortgages and liens were made by the trustee and president, but this does not relieve the present or former governor of the charge that in making the indorsements one of the plainest and most important provisions of the act was disregarded.

#### SAVANNAH & MEMPHIS RAILROAD.

The committee have not been able to obtain any satisfactory information as to the solvency of this road, its ability to pay interest, or the means by which the first twenty miles were built. Before the recess, when the president of the road was in the capital, he was summoned before the committee, but as it was on the eve of adjournment, no quorum was present, and he was notified to appear again between the 10th and 15th instant. This notice he has failed to obey, and has not been in the city since.

The chairman in person notified the two contractors, Messrs. Cowles and Boyle, that the committee would be pleased to have them before the committee as witnesses to testify concerning the affairs of this road ; but the former stated he was compelled to leave the city, but would be back soon ; the latter did not attend, although summoned twice by the sergeant-at-arms.

The report of the commissioners shows the road, so far as completed, to be first class, and fulfills the requirements of the law.

B. B. LEWIS, Chairman.  
JAMES CROOK,  
E. W. SMITH,  
N. N. CLEMENT.

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I sign the above report, agreeing fully with its statements

of facts and conclusions of law, but dissent from certain remarks therein of a personal character ; some of complaint and some of censure.

GEORGE M. DRAKE.

I sign this report, agreeing fully with its statement of fact, but dissent from some of the conclusions arrived at both upon fact and law.

HENRY T. TOULMIN.

I agree to the above, so far as it is a statement of facts, but would have preferred no report except the production of the testimony taken to the House.

GEO. M. DUSKIN.

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A majority of the committee report a substitute for the bill referred to the committee, entitled as follows : " A bill to be entitled an act to secure the State of Alabama against loss in the Alabama & Chattanooga railroad," and recommend the passage of the substitute.

B. B. LEWIS,  
Chairman.

The committee report favorably on the bill entitle "An act to repeal an act entitled an act to provide for the payment of the due and unpaid interest upon the valid claims against the State on account of the failure of the Alabama & Chattanooga railroad company to pay said interest, and recommend its passage.

B. B. LEWIS,  
Chairman;

The committee report back the bill entitled "An act to enable and require receivers of railroads to discharge the duties required of them by law," and ask it to be referred to the committee on the judiciary.

B. B. LEWIS,  
Chairman.

The further consideration of the reports was postponed until Tuesday next, 12 o'clock m., and made the special order for that hour, and one thousand copies ordered to be printed for the use of the House.

In accordance with recommendation of the committee, the bill—

To enable and require receivers of railroads to discharge the duties required of them by law;

Was referred to the committee on the judiciary,

#### JUDICIARY.

Mr. Bulger, from the committee on the judiciary, reported favorably to the bill—

To ratify a certain sale in the county of Dallas.

Mr. Gates, from the same committee, made the following minority report :

We are constrained to dissent from the majority of the committee in the report just made, and submit the following :

This is a judicial act, which belongs to the judicial department of the government, and is therefore not a fit subject for legislation. If the legislative department can assume and exercise the functions of either the judicial or executive departments, then it follows that the legislature can make, expound and execute the laws, and effectually overturns the constitution and destroys our form of government.

W. C. GATES,

H. T. TOULMIN.

Pending the consideration of which,

On motion of Mr. Knox—

House adjourned till to-morrow morning 10 o'clock.

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#### FORTY-FIRST DAY.

FRIDAY, January 26, 1872.

House met pursuant to adjournment.

Prayer by Rev. Dr. Petrie.

Journal of yesterday was read and approved.

#### LEAVE OF ABSENCE.

Leave of absence was granted Mr. Grayson of Madison for

three days, Mr. Henry for two days, and Mr. Smitherman for two days.

Message from the Senate, by Mr. Whiting :

SENATE CHAMBER,  
January 26, 1872. }

Mr. Speaker :

The Senate has originated and passed bills as follows :

To repeal paragraph seven of section four hundred and thirty-six of the Revised Code of Alabama.

For the relief of the tax collector of Madison county.

To make certain claims preferred claims in Coosa and Choctaw counties.

To encourage the publication of a new edition of Professor Tuomey's first report on the geology of Alabama.

To enable William Donelson, as guardian of Laura Boddie, a minor, (and resident with his said ward in the State of Tennessee,) to rent out the lands of his said ward, and receive any moneys coming to her in the State of Alabama.

To authorize William O. Baldwin of Montgomery county to take out letters of guardianship of the person and property of William O. Baldwin, (minor.)

And has amended, as therein shown, and passed House bill—

To incorporate the town of Dayton, Marengo county.

M. P. BLUE,  
Secretary.

#### CALL OF THE COUNTIES.

Upon the call of the counties the following bills were introduced :

By Mr. Mancill—

To prohibit the selling of liquors within two miles of Fairmount church and the Adkinson school in the county of Covington.

By Mr. Oates—

To incorporate the town of Abbeville, in the county of Henry.

By Mr. Cowan—

To prohibit the sale of liquors within one mile of Spring Hill academy, in Pickens county.

By Mr. Toulmin—

To repeal an act entitled "An act to suppress murder, lynch-



ing and assaults and batteries," so far as the same relates to the county of Mobile,

By Mr. Hewitt—

To authorize William A. Walker, as administrator of the estate of Richard B. Walker, deceased, to sell the lands of said estate and the dower interest of Mary M. Walker, widow of said decedent, at private or public sale, without an order of court.

Also,

To authorize John C. Morrow, probate judge of Jefferson county, to take jurisdiction over the estate of Richard B. Walker, deceased, late of said county of Jefferson.

Also,

To authorize Mrs. Jane Hamilton of Sanford county, to sell certain land therein mentioned.

Also,

To repeal all special and local acts in relation to the publication of legal and other notices, so far as they relate to the county of Jefferson.

Which were severally read a first, second and third time, under a suspension of the constitutional rule, and passed.

Message from the Senate, by Mr. Whiting;

SENATE CHAMBER,  
January 26, 1872. }

Mr. Speaker :

The Senate has originated and passed bills as follows;

For the support of the State library.

To relieve Daniel W. Hall of the disabilities of non-age.

To fix the time of holding the circuit court in the seventh judicial circuit.

To prevent the selling of spirituous or vinous liquors within three miles of Liberty, Midway and Rehoboth churches, in Montgomery county.

M. P. BLUE,  
Secretary.

#### ENROLLED BILLS.

Mr. Powell, from the committee on enrolled bills, reported the following as correctly enrolled :

To authorize and empower John T. Cook, judge of probate of Wilcox county, to complete and perfect the records and minutes of the proceedings of said court which were left incomplete by his predecessor, James H. Burdick.

To amend section 1323 of the Revised Code, so far as it relates to Blount county.

To amend sections 1756 and 1757 of the Revised Code.

To establish a criminal court for the county of Bullock, with criminal and civil jurisdiction.

#### CALL OF THE COUNTIES.

The House resumed the call of the counties, whereupon the following bills were introduced :

By Mr. Dustan—

To establish an election precinct in the county of Morgan, to be known as Nixon's store.

By Mr. Boyd—

To repeal "an act to suppress murder, lynching, and assaults and batteries." approved December 28, 1868, so far as the same applies to the counties of Marshall and Butler ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

By Mr. Oates—

To amend section 1837 of the Revised Code.

By Mr. Grayson of Madison—

To amend section 1827 of the Revised Code ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the revision of the laws.

By Mr. Oates—

For the relief of persons therein named, from the disabilities of non-age ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on local legislation.

On motion of Mr. Oates—

All bills laid on the table for the relief of parties from the disabilities of non-age were taken up, and referred to the same committee.

By Mr. Oates—

To make contribution to aid in the completion of the Washington national monument ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on federal relations.

By Mr. Powell—

To authorize John Little and Zack Davis of Butler county

to erect gates across the public road leading from the Greenville and Elm Bluff road in said county, to the county line between the counties of Butler and Lowndes ;

Which was read three times, under a suspension of the constitutional rule, and passed.

By Mr. Powell—

To amend an act entitled an act to amend section 11 of an act, to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within the State.

By Mr. Hewitt—

To amend an act to vest in the Tennessee and Alabama Central railroad company certain lands granted by Congress in trust to the State of Alabama, to aid in the construction of the Tennessee and Alabama Central railroad ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Black—

To extend the corporate limits of the city of Eufaula,

By Mr. Hewitt—

To amend "an act to incorporate the city of Birmingham, in the county of Jefferson," approved December 19, 1871.

Also,

Supplemental, to an act, to incorporate the city of Birmingham, in the county of Jefferson, and to extend the powers of the mayor and aldermen of said corporation.

Which were severally read twice, under suspension of the constitutional rule, and referred to the committee on corporations.

By Mr. Black—

To extend the time to the tax collector of Barbour county, in which to report "list of insolvencies," and list of errors in assessments;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means.

Also,

To amend an act for the relief of laborers and employees.

By Mr. Toulmin—

To repeal an act to protect the planters of this State from imposition in the sale of fertilizers ;

Which were severally read twice, under a suspension of the

constitutional rule, and referred to the committee on agriculture.

By Mr. Toulmin—

To authorize the prosecution and removal of justices of the peace, notaries public and constables, for corrupt and oppressive conduct in office ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Knox moved to amend, by inserting the following :

"Or judge of any city or criminal court";

Which was adopted;

And bill was referred to the committee on the judiciary.

By Mr. Toulmin—

Joint memorial, relating to a steamboat canal between the Tennessee and Coosa rivers ;

Which were severally read and adopted.

By Mr. Toulmin—

For the relief of Frances Stephens, an infant in Mobile.

By Mr. Taylor of Lauderdale—

To give courts power to tax prosecutors with costs, in certain cases ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Toulmin—

To encourage immigration into this State ;

Which was read twice, under a suspension of the constitutional rule, and referred to a special committee as follows :

Messrs. Toulmin, Rice, Smith of Sumter, Murrah, Knox and Henderson.

By Mr. Hewitt—

To authorize the Governor to issue a patent for section 16, township 16, range 7, to Wm. H. Snow, upon certain conditions therein expressed ;

Which was read twice, under suspension of the constitutional rule, and referred to the committee on education.

Also,

To repeal an act to suppress murder, lynching, and assaults and batteries, approved December 28, 1868, so far the same rates to the county of Jefferson.

Which was read twice, under a suspension of the constitutional rule, and ordered to a third reading.

## SPECIAL COMMITTEE.

Mr. Grayson of Madison, from a special committee, reported favorably to the bill—

To repeal an act to suppress murder, lynching and assaults and batteries, approved December 28, 1868, so far as the same relates to the county of Madison ;

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

By Mr. Speake—

A joint memorial to Congress for a grant of lands along the route of the Decatur and Aberdeen railroad, in aid of the construction of said road, and also of a branch of the same to the city of Columbus, Mississippi ;

Which was read and adopted.

By Mr. Raisler—

To repeal an act to suppress murder, lynching and assaults and batteries, so far as it relates to the counties of Limestone and Cherokee;

Which was read twice, under a suspension of the constitutional rule, and ordered to a third reading.

By Mr. Nininger—

To establish public pounds in the county of Lowndes ;

Which was read twice, under a suspension of the constitutional rule, and its further consideration indefinitely postponed.

By Mr. Dustan—

To extend the time for the collection of taxes in Marengo county, and for the sale of real estate for the tax year of 1871 ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Boyd moved the indefinite postponement of the bill, which was put and lost.

Mr. Duskin moved to amend by striking out the words "county of Marengo" wherever they occur and inserting "State of Alabama ;"

Which was adopted.

And the bill was referred to the committee on ways and means.

## LEAVE OF ABSENCES.

Leave of absence was granted Mr. Howell for two days,

Mr. Ware for two days, Mr. Henry two days, Mr. Steele two days, and Mr. Lindsay three days.

### SPECIAL ORDER.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the special orders for that hour, the first in order being the bill—

To repeal an act to increase the fees of public officers of Mobile county ;

Which was indefinitely postponed.

The next special order being the bill—

To limit the sale of vinous, spirituous or malt liquors in the State of Alabama ;

The question pending being the adoption of the substitute reported by the committee.

Mr. Coleman moved to lay the bill on the table.

Which was lost.

Yeas 14, nays 66.

Yeas—Messrs. Speaker, Ashurst, Benson, Bradford, Bulger, Clements, Coleman, Curtis, Etheridge, Graham, Hewitt, Mancill, Taylor of Winston and Weatherford—14.

Nays—Messrs. Alley, Appleton, Black, Box, Boyd, Bullock, Calloway, Carlin, Carmichael, Clark, Cochran, Cowan, Craig, Crook, Davis, Diggs, Doster, Dozier, Duskin, Dustan, Ellison, Gaskin, Gee, Gilchrist, Grayson of Clark, Grayson of Madison, Green, Hamilton, Haralson, Henderson, Hitchcock, Hodo, Holmes of Sumter, Howell, Johnson of Coosa, Johnson of Dallas, Kennedy, Knox, Lewis, Lindsay, Lowe, Lumpkin, McCall, McCaskey, McDermott, Moore, Mooring, Murrah, Payne, Perrin, Powell, Raisler, Rice, Semmes, Sims, Smith of Greens, Smith of Sumter, Speake, St. Clair, Taylor of Lauderdale, Thompson Tyler, Ware, Wells, White and Williams—66.

Mr. Boyd moved to make it the special order for Monday next 12 o'clock.

Mr. Knox moved to lay Mr. Boyd's motion on the table;

Which was lost.

And the motion of Mr. Boyd carried.

Mr. Hewitt moved to reconsider the vote by which the bill was made the special order for Monday next.

Mr. Boyd moved to lay Mr. Hewitt's motion to reconsider on the table;

Which was put and lost.

Yeas 30, nays 48.

Yeas—Messrs. Speaker, Ashurst, Benson, Black, Bradford, Bulger, Carlin, Clark, Doster, Dozier, Gee, Gilchrist, Grayson of Madison, Haralson, Henderson, Holmes of Baldwin, Johnson of Dallas, Lowe, Lumpkin, McCall, McCaskey, Murrah, Nininger, Oates, Payne, Rice, Sims, Ware, Wells and White—30.

Nays—Messrs. Alley, Appleton, Box, Boyd, Bullock, Calloway, Carmichael, Clements, Cowan, Craig, Crook, Davis, Diggs, Duskin, Ellison, Etheridge, Gaskin, Graham, Grayson of Clarke, Gunn, Hamilton, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Howell, Johnson of Coosa, Knox, Lewis, Lindsay, McDermott, Moore, Mooring, Perrin, Powell, Raisler, Semmes, Smith of Greene, Smith of Sumter, Speake, St. Clair, Speed, Strauss, Taylor of Lauderdale, Taylor of Winston, Thompson, Weatherford, and Williams—48.

Mr. Haralson moved the indefinite postponement of the bill.

Which was lost.

And pending the further consideration of the bill—

Mr. Powell being entitled to the floor—

On motion of Mr. Duskin—

The House adjourned until to-morrow morning 10 o'clock.

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#### FORTY-SECOND DAY.

SATURDAY, January 27, 1872.

The House met pursuant to adjournment.

Prayer by Mr. Murrah of the House.

The journal of yesterday was read and approved,

#### REPORTS FROM STANDING COMMITTEES.

Reports from standing committee, being in orders the House proceeded to consider the majority and minority reports of the judiciary committee on the bill—

To ratify a certain sale in the county of Dallas.

The minority report was concurred in, and bill lost.

On motion of Mr. Oates—

The report of the committee on the alleged official misconduct of John Elliott, judge of the sixth judicial circuit, together with the address to the governor—

Were taken from the table.

Yeas 43, nays 27.

Yeas—Messrs. Speaker, Ashurst, Boyd, Bullock, Callaway, Clark, Cochran, Curtis, Davis, Doster, Drake, Etheridge, Gee, Graham, Grayson of Clarke, Greene, Haralson, Henderson, Hodo, Holmes of Sumter, Johnson of Dallas, King, Knox, Lowe, McCall, McCaskey, McDermott, Mancill, Moore, Murr-rah, Nininger, Oates, Perrin, Powell, Rice, Semmes, Smith of Green, Smith of Sumter, Speed, Strauss, Thompson, Tyler and Wells—43.

Nays—Messrs. Alley, Benson, Box, Bradford, Bulger, Carmichael, Cowan, Diggs, Dozier, Gaskin, Gilchrist, Gunn, Hewitt, Hitchcock, Johnson of Coosa, Kennedy, Lumpkin, Raiser, Sims, Speake, Taylor of Lauderdale, Taylor of Winston, Weatherford, White and Williams—27.

And the consideration of the report and address made the special order for Wednesday next, 12 m.

On motion of Mr. Oates, it was—

Resolved, That a copy of the address moved in this House to the governor for the removal of the Hon. John Elliott, judge of the sixth judicial circuit, together with a citation signed and issued by the speaker of the House, and directed to the said Hon. John Elliott, commanding him to appear at the bar of this House on Wednesday, the 31st inst., at 12 o'clock, m., then and there to make defense, if any he has to make, against the matters and things alleged in said address, be served on the said John Elliott by Robert C. Clarke, door-keeper of this House ; and that the said door-keeper make return to this House on Tuesday, the 30th inst., how he has executed the process herein directed to be issued.

The House concurred in the Senate amendment to the House bill—

To incorporate the J. H. Clanton hook and ladder company No. 1 of Union Springs, Alabama.

Messages from the Senate, by Mr. Whiting —

SENATE CHAMBER,  
January 27, 1872. }

Mr. Speaker :

The Senate has passed House bills as follows :

To provide an additional term of the chancery court for the



third district of the eastern chancery division, composed of the county of Randolph.

To provide an additional term of the chancery court for the 8th district of the middle chancery division, composed of the county of Bibb.

To remove the administration of the estate of George D. Ragland from Franklin county to Madison county.

To amend section 3046 of the Revised Code,

To fix the time of holding the chancery court for the first district of the, western chancery division.

To repeal an act for the relief of certain school officers, so far as it applies to the county of Washington.

To fix the time of holding the circuit court in Baldwin county.

To prohibit the selling of vinous or spirituous liquors within two miles of Fairmount church and the Adkinson school, in the county of Covington.

To fix the time of holding the courts in the 5th judicial circuit.

To allow coroners mileage ;

To provide for the payment of expenses incurred by a member of the committee appointed by the House of Representatives, at the last session of the general assembly, to visit the Alabama institution for the deaf and dumb and the blind, and the freedman's hospital, at Talladega.

To provide for the payment of juries of inquest summoned by coroners.

To authorize Harriet Billingslea to administer upon the estate of Robert J. Glenn.

M. P. BLUE,  
Secretary.

SENATE CHAMBER,  
January 27, 1872.}

Mr. Speaker :

The Senate has passed House bills as follows:

To amend section 3996 of the Revised Code.

To repeal an act entitled an act to regulate the publication of legal notices in the counties of Blount, Talladega, Coosa and Tallapoosa, approved March 8, 1871, and to repeal an act to amend an act entitled an act to regulate the publication of legal and other notices in the State of Alabama, ap-

proved October 10, 1866, so far as relates to the county of Tallapoosa.

To remove the administration of the estate of James W. Powers, deceased, from the county of Wilcox to the county of Butler.

And has amended, as therein shown, and passed House bills, To regulate the assessing and collecting of the poll tax in the counties of Henry and Greene.

To remove the administration of the estate of Sydenham Moore deceased, from the probate court of Green county into the probate court of Mobile county.

For the relief of Mrs. Catherine Norton.

And concurred in House amendment to Senate bill—

To authorize the sheriff of Bullock county to sell property on any Monday in the month.

And has originated and passed bills as follows :

To prohibit the sale of liquors within two miles of Hickory Bend Church, in Montgomery county.

To ratify and confirm a subscription by the county of Dallas to the capital stock of the Selma & Gulf railroad company.

To incorporate the Clayton Hook and Ladder company of Clayton, Alabama, and the Hook and Ladder company of Troy, Pike county, Alabama.

M. P. BLUE,  
Secretary.

SENATE CHAMBER,  
Montgomery, Jan. 27, 1872. }

Mr. Speaker :

The Senate has passed House bill---

To amend section 3 of an act entitled an act to incorporate the Gulf City Insurance company.

And has amended, as therein shown, and passed House bills as follows :

To incorporate the town of Attala, in the county of Etowah.

To incorporate the town of Somerville, in Morgan county, Alabama.

To incorporate the town of Georgiana, in Butler county.

To incorporate the town of Youngsville, in the county of Tallapoosa.

To incorporate the town of Gordon, in Henry county.

To extend the time for assessing the taxes in Morgan county.

M. P. BLUE,  
Secretary.

#### JUDICIARY.

Mr. Bulger, from the committee on the judiciary, reported a substitute for the bill—

For the better protection of human life ;

Which was adopted.

And the bill was read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, reported back the bill—

To carry into effect section 3 of article 13 of the constitution, and provide modes of procedure of the same ;

And asked that the committee be discharged from its further consideration, and that the same be referred to the committee on corporations.

The bill was so referred ;

Also, from same committee, reported back the bill—

To amend section 16 of an act to establish revenue laws for the State of Alabama ;

And asked that the committee be discharged from its further consideration, and that the same be referred to the committee on ways and means.

The bill was so referred,

Also, from the same committee, favorably to the following bills :

To allow actions for the recovery of damages for injuries to the person to be revived in the name of the personal representative of the deceased plaintiff.

To validify a sale of certain lands in the county of Henry.

To make valid the records of conveyances which were recorded between the 11th of January, 1861, and the 21st of September, 1865.

To authorize proceedings in courts of probate against unknown heirs of deceased persons.

To repeal an act usually known as the " search warrant law," approved October 18, 1868.

To authorize the issuance of possessory warrants in certain cases.

To authorize and empower Daniel McClellan to convey

by deed to Chas. A. Ingraham certain lands in the county of Henry.

Which were severally read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to the bill—

In relation to the competency of witnesses ;

Which was read a third time, under a suspension of the constitutional rule, and lost.

Also, from the same committee, reported a substitute for the bill—

To define and regulate property exempted from sale under legal process or administration, for the payment of debts ;

Which was adopted;

And the further consideration of the bill was postponed, and made the special order for Monday next, 12 m.

Also, from the same committee, reported a substitute for the bill—

To authorize and require the judges of probate of Greene county to procure books for recording trusts on personal property and crop liens ;

Which was adopted,

And the bill read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to the bill—

To provide for collecting the interest on bonds subscribed by counties, cities and towns, in aid of internal improvements,

With an amendment as follows :

In second line of section 1 strike out the words " have issued," and insert in lieu thereof the wordy " shall hereafter issue ;"

Which was lost.

Mr. Perrin moved to reconsider the vote by which the amendment was lost ;

Which was lost —Yeas 57, nays 10.

Yeas—Messrs. Speaker, Alley, Appleton, Ashurst, Black, Box, Boyd, Bradford, Bulger, Bullock, Calloway, Clark, Clements, Cochran, Cowan, Craig, Curtis, Dozier, Etheridge, Gee, Gilchrist, Graham, Grayson of Greene, Gunn, Hamilton, Haralson, Henderson, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Johnson of Coosa, Johnson of Dallas, King, Lewis, Lumpkin, McCaskey, Mancill, Miller, Moore, Murrah, Nininger, Powell, Raisler, Rice, Semmes, Sims, Smith of Greene, Smith of Sumter, Speake, Taylor of Lauderdale, Taylor of Winston, Thompson, Weatherford, Wells, White and Wyman—57.

Nays—Messrs. Davis, Doster, Drake, Duskin, Dustan, Lowe, McCall, Gates, Payne and Perrin—10.

On motion of Mr. Bulger—

The further consideration of the bill was indefinitely postponed.

#### JUDICIARY.

Mr. Oates, from the committee on the judiciary, reported favorably to the following bills ;

To require the rendition of decrees of the court of chancery in term time.

To authorize appeals from certain decrees of the court of chancery.

To abolish the county court of Wilcox county.

Which were severally read a third time, under suspension of the constitutional rule, and passed.

Also, from same committee, favorably to the bill—

To amend section 2871 of the Revised Code, with an amendment as follows:

Strike out the last five lines of section 1, and insert in lieu thereof the following :

Provided, that the husband and wife may execute a valid mortgage thereon in the mode prescribed for conveyances of such property by section 2373 of the Revised Code ;

Which was adopted.

Mr. Boyd moved the indefinite postponement of the bill ;

Which was lost, and the bill was ordered to a third reading.

Also, from the same committee, favorably to the bill—

To amend section 2721 of the Revised Code, with an amendment as follows:

Strike out the last proviso of section 1, and also add an additional section, as section 2 ;

Which was adopted, and the bill was read a third time, under a suspension of the constitutional rule, and passed.

Also from the same committee, reported a substitute for the bill—

To prevent the carrying of pistols, bowie knives, and certain other deadly weapons, whether concealed or otherwise.

Mr. Bullock moved to amend the substitute by proviso, as follows :

Provided the weapons so carried shall always be seen.

Mr. Bulger made the point of order, that the amendment of Mr. Bullock was out of order, as a substitute could not be amended until had been adopted by the House.

Mr. Speaker, (Mr. Hewitt in the chair,) decided that a sub-

stitute was only an amendment, and that an amendment was in order.

Mr. Bulger appealed from the decision of the chair, and the question being—

" Shall the decision of the chair be the decision of the House?"

It was put, and the House refused to sustain the decision of the chair.

Mr. Boyd moved to amend as follows:

Provided, that any person prosecuted under the provisions of this act shall be a competent witness in his own behalf ;

Which was laid on the table.

Mr. Clements moved to amend as follows :

Provided, that every person who bears arms openly must carry his bowie knife in his hat band and his repeater in his hands ;

Which was laid on the table.

Mr. Dustan moved the previous question, pending which—

#### LEAVE OF ABSENCE

Was granted Mr. Raisler for two days, and Mr. Mooring indefinitely, on account of sickness.

And on motion of Mr. Haralson—

House adjourned until Monday morning 10 o'clock.

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#### FORTX-THIRD DAY.

MONDAY, January 29, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gwin.

The journal of Saturday was read and approved.

#### LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Crook for two days, and to Mr. Toulmin.

#### PENITENTIARY.

On motion of Mr. Oates—

The House concurred in the resolution of the Senate, providing for the appointment of a committee of three on the

part of each house, to investigate the condition of the State penitentiary, machinery and appurtenances, and also the condition of the convicts in said penitentiary ; and that said committee be empowered to send for persons and papers necessary to make a full investigation appertaining thereto, and suggest such legislation as they may think advisable for the future government of the penitentiary ; and whether it will be to the public interest to remove the penitentiary to some more available place or locality, and report by bill or otherwise.

Messrs. Powell, Lowe and Drake, were appointed the committee on the part of the House.

By leave, Mr. Box offered the following resolution ;

Which was adopted :

Resolved, That his Excellency the Governor, be, and he is hereby requested to communicate to the House of Representatives at as early a day as practicable, a statement showing the amount of the earnings and expenditures of the Chattanooga railroad during the entire time which said road has been in the hands of Col. J. H. Gindrat as receiver, together with an itemized statement of expenses incurred by said receiver in running said road, which remain unpaid.

The object and intent of this resolution being to ascertain what legislation, if any, is necessary to provide for the payment of any unpaid amount due laborers and employees on said road, who have done labor thereon for the State, or furnished supplies of any kind for said road since its seizure by the State.

#### CALL OF THE COUNTIES.

Upon the call of the counties, the following bills were introduced :

By Mr. Alley—

For the relief of the poor of Macon county ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on fees and salaries

Also,

To prohibit the sale of liquors within three miles of New Cubahatchie Baptist church, in Macon county.

Also,

To prohibit the sale of liquors within three miles of New Hope church, in Macon county.

Also,

To prohibit the sale of spirituous liquors within three miles of the Methodist Episcopal church, at Warrior Stand, Macon county.

By Mr. Gunn—

To relieve the heirs of John B. Bodry's estate of the 100 per cent. penalty, on land sold by the tax collector of Morgan county.

By Mr. Smith of Sumter—

To authorize James E. Hart, a citizen of Mississippi, to execute the will of Elizabeth D. Harwood, in accordance with the request contained in said will.

By Mr. Appleton—

To make Mrs. Elizabeth Newman, wife of Moses C. Newman of DeKalb county, a free dealer ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the local legislation.

By Mr. Lowe—

To punish the violation of certain contracts ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Haralson moved to lay the bill on the table ;

Which was lost ;

And the bill was referred to the committee on the judiciary.

By Mr. Lowe—

To allow defendants to move to dismiss a bill in chancery.

Also,

To authorize appeals in certain cases from courts of county commissioners.

By Mr. Thompson—

To provide for the appointment of a county advocate for the county of Montgomery, to defend persons unable to employ counsel.

By Mr. Doster—

To amend section 1585 of the Revised Code ;

Also,

To prescribe the manner in which the costs accruing on criminal cases in the supreme court shall be paid.

By Mr. Grayson of Clarke—

To provide for trials by jury in cases of misdemeanor, quo warranto, and other remedial writs, and to regulate the same.

By Mr. Box—

22h



To authorize sheriffs and deputy sheriffs to administer oaths in certain cases ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Lowe—

To repeal an act to establish the criminal court for the county of Dallas, approved February 23, 1870 ; and an act amendatory of said act, approved March 9, 1871, and to transfer all the causes pending in said court, both civil and criminal, together with all the dockets, papers and books of said court, to the circuit court of Dallas county ;

Which was read a first time, and ordered to a second reading.

By Mr. Hamilton—

To repeal an act to suppress murder, lynching and assaults and batteries, approved December 28, 1868, so far as it relates to the county of Marion.

By Mr. Bradford—

To repeal an act to suppress murder, lynching and assaults and batteries, approved December 28, 1868, so far as relates to the counties of Morgan and Winston.

By Mr. Speaker —

To incorporate the town of Spring Hill, in the county of Pike.

By Mr. Box—

To repeal an act to suppress murder, lynching and assaults and batteries, approved December 28, 1868, so far as it relates to the county of St. Clair.

By Mr. Smith of Sumter—

To prevent the sale of spirituous liquors within two miles of Charcoan church, in Sumter county.

By Mr. Coleman—

To relieve the tax collector of Washington county.

By Mr. Duskin—

For the relief of Thomas J. Kinnard, of Hale county.

By Mr. Leath—

To prohibit the sale of liquors within two miles of Cedar Hill church, in Cherokee county.

By Mr. Appleton—

To repeal an act to suppress murder, lynching and assaults and batteries, approved December 28, 1868, so far as it relates to the county of Jackson and DeKalb.

Also,

To regulate the pay of grand and petit jurors, in DeKalb county.

By Mr. Galloway—

To change the boundary line between the counties of Crenshaw and Pike.

Which were severally read three times, under a suspension of the constitutional rule, and passed.

By Mr. Gunn—

To authorize the governor to issue a patent to George E. Landlin of Morgan county.

By Mr. Ashurst—

To amend section 2 of an act fixing salaries of teachers, and provide for supplementing the same, approved December 20, 1871 ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on education.

By Mr. Box—

To exempt maimed persons from working on public roads and streets ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on public roads and highways.

By Mr. Smith of Sumter—

To amend section 3149 of the Revised Code

By Mr. Bradford—

To amend section 2278 of the Revised Code.

By Mr. Clements—

To require the fines and forfeitures in the county of Tuscaloosa to be paid in money ;

Also,

To require the registration of all claims against the fine and forfeiture fund in the county of Tuscaloosa.

By Mr. Duskin—

To amend section 2660 of the Revised Code ;

Which were severally read twice, under suspension of the constitutional rule, and referred to the committee on the revision of the laws.

By Mr. Smith of Sumter—

To regulate the weighing, storage and sampling cotton in the city of Mobile ;

Was read twice, under a suspension of the constitutional rule.

Mr. Ellison moved to lay the bill on the table ;

Which was lost.

And the bill was referred to the committee on the revision of the laws.

By Mr. Appleton—

To repeal an act for the suppression of secret organizations of men disguising themselves for the purpose of committing crimes and outrages, approved December 28, 1868, so far as relates to the counties of Jackson and DeKalb ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Etheridge moved to amend, by inserting the county of Covington.

Which was adopted.

Mr. Calloway moved to amend, by inserting the county of Crenshaw ;

Which was adopted.

And the bill read a third time, under a suspension of the constitutional rule, and passed.

By Mr. Haralson—

To pay fees in certain cases to the solicitor of Dallas county out of the general fund of said county.

By Mr. Smith of Sumter—

To regulate costs and fees of justices' of the peace, in Gainesville, Sumter county ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on fees and salaries.

By Mr. Bradford—

To amend section 1 of an act to authorize the Georgia Western railroad company to extend and construct their road from the Georgia line to the town of Gadsden, on the Coosa river.

By Mr. McCaskey—

To require railroads to publish the time of trains arriving at and leaving depots of the road;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Bullock—

To regulate the enclosure of stock in a portion of the county of Greene.

By Mr. Callaway—

To authorize Enoch P. Walton, a citizen of Butler county, to retail and vend vinous, spirituous or malt liquors in the

city of Greenville, in Butler county, without State, county or city license ;

Which were severally read a first time, and ordered to a second reading.

By Mr. Coleman—

To fix the pay of jurors in the county of Washington ;

Which was read twice, under a suspension of the constitutional rule, and laid on the table.

By leave, Mr. Bradford offered the following preamble and resolution :

Whereas, it is alleged that the governor has used or intends to use a portion of the proceeds of sale of State bonds authorized to be issued under the act passed at the present session of the General Assembly, entitled " an act to relieve and regulate the finances of the State," in the payment of interest on the Alabama and Chattanooga railroad bonds.

And whereas, such proceeds are by the 3d section of said act expressly forbidden to be so used ; therefore,

Resolved, That the governor be, and he is hereby requested to inform this House whether or not he has applied or intends to apply any moneys raised or that may be raised on a sale of bonds authorized to be issued under the act named in the preamble, to the payment of interest on any railroad bonds or bonds of the State issued in aid of any railroad company.

Which was not adopted.

Yeas 17, nays 44.

Yeas—Messrs. Ashurst, Boyd, Bradford, Cowan, Gee, Gilchrist, Green, Gunn, Haralson, Johnson of Dallas, Knox, Leath, Payne, Semmes, Weatherford, Wells, and Williams—17.

Nays—Messrs. Appleton, Benson, Black, Bullock, Calhoun, Carmichael, Clark, Clements, Coleman, Craig, Curtis, Diggs, Doster, Dozier, Duskin, Etheridge, Graham, Grayson of Clarke, Hamilton, Henderson, Hodo, Holmes of Baldwin, Holmes of Sumter, Kennedy, King, Lowe, Lumpkin, McCaskey, McDermott, Mancill, Miller, Moore, Oates, Perrin, Powell, Rice, Sims, Smith of Green, Strauss, Taylor of Lauderdale, Taylor of Winston, Thompson, Tyler and Wyman—44.

Mr. Clements presented a petition from citizens of Hale and Tuscaloosa counties in regard to a change of the line between said counties ;

Which was referred to the committee on counties and county boundaries.

Messages from the Senate, by Mr. Whiting :

SENATE CHAMBER,  
January 29, 1872. }

Mr. Speaker :

The Senate has passed House bills as follows :

For the relief of Messrs. Graham Abercrombie and George W. Green.

To amend an act entitled an act to incorporate the female institute of the Tennessee annual conference of the Methodist Episcopal church, at Athens, Alabama.

To declare Persimmon creek, in Butler county, a public highway.

M. P. BLUE,  
Secretary.

SENATE CHAMBER,  
January 29, 1872. }

Mr. Speaker :

The Senate has originated and passed the following bill:

To amend section 11 of an act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within the State.

M. P. BLUE,  
Secretary.

SENATE CHAMBER,  
January 29, 1872. }

Mr. Speaker :

The Senate has originated and passed bills—

For the relief of Rabun Susan Stow, of Barbour county.

To amend section 1721 of the Revised Code.

M. P. BLUE,  
Secretary.

On motion of Mr. Rice—

The regular order of business was suspended, and the Senate bill—

For the relief of the tax collector of Madison county ;

Was read a third time, and passed, under a suspension of the constitutional rule.

The House concurred in the Senate amendments to the following House bills :

To remove the administration of the estate of Sydenham Moore deceased, from the probate court of Greene county into the probate court of Mobile county.

To incorporate the town of Somerville, in Morgan county, Alabama.

To incorporate the town of Dayton, in Marengo county.

To incorporate the town of Attala, in the county of Etowah.

To incorporate the town of Gordon, in Henry county.

Authorizing and empowering the auditor to draw his warrant on the treasurer to pay for legal services rendered the State by the late Gen. James H. Clanton.

For the relief of Mrs. Catherine Norton.

To incorporate the town of Youngsville, in the county of Tallapoosa.

To authorize the governor to issue a patent to A. A. Hewlett, for sixteenth section, township 9, range 4, west, in Winston county.

To regulate the assessing of the poll tax in the counties of Henry and Greene ;

To repeal subdivisions one and four of section 957 of the Revised Code.

To extend the time for assessing the taxes in Morgan county.

The House also concurred in the Senate amendments to the House joint resolution on the subject of swamp and overflowed lands of the State.

The House refused to concur in the amendment of the Senate to the House bill—

To authorize Williamson Spears, of Coosa county, to peddle without license.

The bill—

To amend sections 9 and 11 of an act to establish a criminal court for the county of Dallas, approved February 23, 1870,

Was on motion of Mr. Haralson, indefinitely postponed.

The House next proceeded to the consideration of the

#### SPECIAL ORDER.

First in order being the bill—

To exempt certain property from levy and sale under an exe-

cution or other final process of any court of this State for the collection of a debt.

Mr. White moved to amend by inserting, after the word "that," in section 4, the following words, "all other exemption laws and ";

Which was adopted.

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

The next special order, being the bill—

To define and regulate property exempted from sale under legal process for the payment of debt.

The question being on the adoption of the substitute reported by the committee,

It was adopted ;

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

By leave, Mr. Lowe offered the following resolution;

Which was adopted :

Resolved, That the joint committee of the two houses appointed to revise the general election laws of the State, be authorized to employ a clerk, to be paid the same per diem as clerks of other committees.

#### REVISION OF THE LAWS.

Mr. Bradford, from the committee on the revision of the laws, reported back the bill—

To regulate the insurance business in the State of Alabama, and asked that the committee be discharged from its further consideration, and that the same be referred to the special committee to whom was referred a bill on the same subject.

#### JUDICIARY.

On motion of Mr. Knox—

The committee on the judiciary were instructed to report back to the House the bill—

To amend an act to establish a criminal court for the county of Montgomery, with civil jurisdiction,

With the view of its reference to a special committee.

Message from the Governor, by his private secretary, Mr. Chardavoyne;

Mr. Speaker :

I am directed by the Governor to inform you that he has approved the following acts originating in the House of Representatives :

To regulate the manner of giving notice of annual settlements of estates of deceased persons in the county of Calhoun.

To authorize the commissioners court of Baldwin county to levy a tax for 1871.

To authorize and empower John T. Cook, judge of probate of Wilcox county, to complete and perfect the records and minutes of the proceedings of said court which were left incomplete by his predecessor, James H. Burdick.

Joint memorial to the congress of the United States, asking relief in certain cases.

To repeal an act to suppress murder, lynching, and assaults and batteries, approved December 28, 1868, so far as the same relates to the county of Dale.

To amend an act to prohibit the sale of spirituous liquors within two miles of Clopton academy, in the county of Dale.

To prohibit the sale of liquors within two miles of Houston, Winston county.

To amend sections 1756 and 1757 of the Revised Code.

To amend section 1323 of the Revised Code, so far as it relates to Blount county,

To change the voting precinct in beat No. 13, in Henry county.

To preserve order at China Grove Camp Ground, in the county of Dale.

To authorize Brice Wilson to pay over certain moneys therein named to R. S. Watkins, attorney at law.

To allow Elizabeth A. Preston of Wilcox county, to sell a house and lot in the town of Allenton, Alabama.

To authorize Missouri Huyett, the widow of D. H. Huyett, deceased, to sell the property belonging to said deceased at the time of his death.

To confer additional powers upon the mayor and council of the town of Elyton.

For the relief of E. S. Watkins of Franklin county.

For the relief of the indigent insane.

To repeal an act entitled an act in regard to roads, bridges and ferries, in the county of Mobile.

To issue a patent to lands, therein described, to Daniel Carlisle.



To establish a criminal court for the county of Bullock, with criminal and civil jurisdiction.

W. V. CHARDAVOYNE,  
Secretary.

On motion of Mr. Perrin—  
The House adjourned until to-morrow morning 10 o'clock.

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#### FORTY-FOURTH .DAY.

TUESDAY, January 30, 1873.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Perrin.

The journal of yesterday was read and approved.

By leave, Mr. Carmichael offered a joint resolution for a joint convention of the two houses of the general assembly in the hall of the House of Representatives, on Wednesday, 31st inst., to locate the agricultural college of Alabama.

Mr. Doster moved to amend by making the vote viva voce ;  
Which was adopted.

The joint resolution was lost.

#### JUDICIARY.

Mr. Oates, from the committee on the judiciary, in accordance with instructions from the House, reported back the bill —

To amend an act to establish a criminal court for the county of Montgomery, with civil jurisdiction.

Mr. Bulger, from the same committee, reported adversely to the following bills :

To expedite the trial of causes in the chancery courts of this State.

To provide for and regulate appeals in cases of contempt of court.

For the relief of Hector Prince, of Montgomery county.

For the relief of Jane Willis, of Montgomery county.

To authorize guardians to compromise debts of a bad or doubtful character.

To define and regulate the mode of punishment of criminals convicted of criminal offences in the State.

For the relief of Young C. Hall, administrator of the estate of Charles Hall, deceased, in the county of Baldwin.

To prevent frauds in obtaining supplies, and other purposes.

To authorize the garnishment of a judgment debtor, and to prescribe the effect thereof.

Which were severally concurred in.

Mr. Oates, from the same committee, reported a substitute for the bill—

For the relief of the resident physicians of the State of Alabama.

The substitute was not adopted.

On motion of Mr. Boyd—

The bill was indefinitely postponed.

Mr. Bulger, from the same committee, adversely to the bill—

For the protection of mechanics in this State.

The report was not concurred in ;

Yeas 27, nays 44.

Yeas— Messrs. Box, Bulger, Bullock, Coleman, Cowan, Doster, Etheridge, Grayson of Clarke, Gunn, Hamilton, Hodo, Johnson of Coosa, Lewis, Lumpkin, Miller, Oates, Payne, Powell, Rice, Sims, Smith of Greene, Smith of Sumter, Speake, Taylor of Winston, Weatherford, White and Wyman—27.

Nays—Messrs. Alley, Ashurst, Benson, Black, Boyd, Bradford, Carlin, Carmichael, Clarke, Clements, Cochran, Craig, Curtis, Diggs, Dozier, Drake, Duskin, Ellison, Gee, Greene, Haralson, Henderson, Hewitt, Hitchcock, Holmes of Sumter, Johnson of Dallas, King, Knox, Leath, Lowe, McCaskey, McDermott, Marlowe, Moore, Nininger, Perrin, Semmes, Smith of Choctaw, Speed, Strauss, Taylor of Lauderdale, Thompson, Tyler, Wells and Williams—44.

The bill was read a third time, under a suspension of the constitutional rule, and passed.

Yeas 39, nays 30.

Yeas—Messrs. Alley, Ashurst, Black, Boyd, Carlin, Carmichael, Clark, Craig, Curtis, Diggs, Doster, Dozier, Drake, Ellison, Gee, Grayson of Clarke, Greene, Hamilton, Haralson, Henderson, Hewitt, Holmes of Sumter, Johnson of Dallas, King, Knox, Lowe, McCaskey, McDermott, Marlowe, Perrin, Smith of Choctaw, Speake, St. Clair, Speed, Strauss, Thompson, Tyler, Wells and Williams—39.

Nays—Messrs. Box, Bradford, Bulger, Bullock, Clements,

Coleman, Cowan, Etheridge, Gunn, Hitchcock, Hodo, Johnson of Coosa, Kennedy, Leath, Lumpkin, Mancill, Miller, Murrah, Nininger, Oates, Payne, Powell, Rice, Sims, Smith of Greene, Smith of Sumter, Taylor of Lauderdale, Taylor of Winston, Weatherford, and White—30.

Mr. Bulger, from the same committee, reported favorably to the bill—

To better secure the payment of rents of land in the State of Alabama.

The bill was ordered to a third reading.

Mr. Bulger, from the same committee, also made the following

#### REPORT:

The committee on the judiciary to which was referred the Governor's message in relation to the payment of interest on bonds of the Alabama and Chattanooga railroad company, have had the same under consideration, and instruct me to report it back to House without action thereon, in so much as the Senate has originated and passed a bill on the same subject expressive of the sense of this committee.

The report was concurred in.

Mr. Bulger, from the same committee, reported adversely to the bill—

To prohibit fortune telling in this State.

The report was not concurred in ;

And the bill was ordered to a third reading.

Mr. Bulger, from the same committee, reported adversely to the following bills :

To amend section 718 of the Revised Code.

To prescribe a rule of practice in reference to unstamped instruments.

To provide for the payment of witnesses in State cases.

To allow defendants on their trial in criminal cases to make a statement to the jury under oath.

To amend sections 3706 and 3707 of the Revised Code.

To fix the times of holding the circuit courts is the third judicial circuit of Alabama, and to repeal the third paragraph of section 750 of the Revised Code.

To appropriate the swamp land fund to the city of Mobile.

To amend sections 1282 and 1283 of the Revised Code.

To prevent the sale, barter or exchange of agricultural

products upon which there is a lien, or of which a division has not been made between employers and employees.

To collect the fines and forfeitures of each county in cash.

To empower Christopher Tompkins and Mahala Fitzpatrick to sell certain lands.

To provide for the election of chancellors in the eastern and western chancery division of Alabama.

To amend section 3733 of the Revised Code.

To authorize administrators and executors to administer oaths in certain cases.

Mr. Bulger, from the same committee, reported adversely to the bill —

Creating an additional voting precinct in the county of Dallas.

The report was not concurred in.

Mr. Coleman moved to amend, by adding Deer Park, in the Washington county ;

Which was adopted.

Mr. Etheridge moved to amend, by adding Brushy Creek church, in Conecuh county ;

Which was adopted ;

And the bill was ordered to a third reading.

Mr. Lowe, from the special joint committee of the House to revise election laws, reported a bill—

To regulate elections in this State.

The bill was laid on the table,

Two hundred copies ordered printed, and made special order for Friday next, 12 o'clock.

The following message was received from the Governor, by Mr. Chardavoyne:

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, January 30, 1872.}

Gentlemen of the House of Representatives;

The constitution of the State imposes upon the governor the duty of communicating, at every session, to the General Assembly the condition of the State, and of recommending such measures as he shall deem expedient.

From the inauguration of the government of Alabama to the present day, it has been customary and proper for the governor to transmit special messages to either or both Houses of the General Assembly, if the exigency demanded or the

interest of legislation suggested it ; and whenever information, not voluntarily communicated, by the executive, has been needed or desired by either House, a resolution requesting its transmission has been the mode adopted to obtain it.

It is certainly not a violent presumption to assert that the executive department is the most certain and reliable source from and through which to obtain information as to its own transactions and official business, and I am not aware of a single instance or occasion in the annals of the government where the executive hesitated or refused to furnish any information asked by the General Assembly or either of its branches.

To seek or to receive information with regard to the official business of any of the departments of the government from parties who have no connection therewith, would be productive of great evil and result often in the most flagrant injustice as well as the falsification of history.

An opportunity would thus be afforded to the malcontent to pervert—to the demagogue to circumvent and to promote his sinister and nefarious plans—to ambition to attain its selfish ends, and often to bring confusion and disaster upon the best interests of the country.

An example of some of the dangers arising from a failure to rely upon the proper department for information, is singularly presented in a report of a special committee, through Mr. Lewis, its chairman, to the House of Representatives on Thursday last, ordered to be printed and now before me. That report undertakes to make a statement of facts with regard to certain official acts of the present executive, which I deem it a solemn duty to the legislature and the people of Alabama to notice and correct, because those alleged acts pertain to matters of grave and vital importance to the honor and welfare of the State—to matters of infinitely greater moment than the mere personal interests of individuals.

On page 7th of the report, it is stated that \$320,000 of State bonds has been loaned to the New Orleans and Selma railroad. This is not the fact. I know of no straight bonds of the State, or any other State bonds, having been loaned to that railroad.

On page 11th, it is said in connection with the East Alabama and Cincinnati railroad ;

" The five miles on which the second instalment of bonds were indorsed by the government for this company, are five miles of the Tennessee and Coosa Rivers railroad. It seems

that these two companies came to some agreement by which the former claims to have purchased the road-bed and right of way of the latter, paying the old stockholders in stock of the new company, and demanded of the governor the indorsement of five miles from Attala to Gadsden."

The testimony on which the executive acted, and then and now believes to be true, proves this statement to be wholly incorrect. Before indorsing the bonds on the five miles between Gadsden and Attala, I was satisfied that the right of way between these points had in fact been ceded or surrendered by the Tennessee and Coosa Rivers railroad company to the East Alabama and Cincinnati railroad company long anterior to my accession to the executive office, and long before the agreement referred to in the committee's report. The right of the East Alabama and Cincinnati railroad to indorsement for that portion of the line between Attala and Guntersville has not been acted on in this department. The charter of that company authorizes them to construct a railroad between said points, and it will become a subject of consideration to what extent their bonds are entitled to State indorsement if they use bed and work of the Tennessee and Coosa River railroad. Whether the indorsement be limited alone by a compliance with the State aid laws—whether or not it is entitled to indorsement, or whether the amount of indorsement should be curtailed by the value of the work heretofore done by State aid, will have to be determined hereafter.

On the same page of the report, it is alleged that—

"The report of the commissioners shows that iron used was of a less weight than fifty pounds to the yard ; that it was not fastened by an " approved pattern"; the culverts were only a part masonry, the other part being wood, the trestles only temporary or military ; not meeting in four essential particulars the conditions prescribed by law."

The language of the commissioners' report is not as above stated, in words or effect. The commissioners say, "The iron is of good quality ; the bar weighed by us lacked 13 oz. of weighing 50 lbs. to the yard. The bar weighed by us may have been lighter than the average." A bar of railroad iron measures 8 yards in length. Thus it will be seen that, according to the commissioners' report, the iron failed by 1 5-8 of an ounce in complying with the requirements of the law.

Science may measure and weigh infinitesimally, but it has never, so far as I know, been required or expected, or is it possible, that all bars of iron produced at the rolling mill should

or could be of exact and equal weight, or to approximate nearer than 1 5-8 oz. in 800 ounces, which the iron alluded to has been, by weighing, proved to do—presenting a disparity almost too trifling for the legal charity of the maxim, " *de minimus non curat lex*." But the positive proof before me was, that the iron was purchased, paid for and guaranteed to average 50 lbs. per yard.

The commissioners' report does not say that it was not fastened by an " approved pattern," but does say not joined by fastenings of the "most approved pattern."

The commissioners, it is true, say that the culverts were only part masonry and part wood," but add that they are of a " substantial character."

The commissioners further say in these words, " There is one trestle of a temporary character, known as a military trestle, and add that the space covered by the trestling is now being filled with earth."

The commissioners do not say that the trestles are only temporary or military, but say that only " one known as a military trestle is temporary, and that is being rapidly filled up with earth."

On page 14th of the report of the committee, appears the following remarkable statement, in connection with the Selma & Gulf railroad :

" The means by which the last installment of bonds to the amount of \$160,000 was obtained is involved in some mystery. The president swears that he knows personally of over \$500,000 of bonds being endorsed, and Gen. Roddy, the financial agent of the company, informed him that he had gotten the remainder of the \$640,000. All over \$480,000 were indorsed by the present Governor. When this committee was first raised the chairman addressed a communication to the Governor requesting him to furnish the committee with the names of all the roads for which he had indorsed bonds, and the amount of such indorsements. In his reply (which is hereto attached), the name of the Selma and Gulf railroad is not mentioned ; and the record of his acts pertaining to railroads, called his railroad journal, furnishes no evidence of any indorsement for this road. Besides, it is proven that the work on this road as to cross-ties, road-bed and trestles, did not come up to the requirements of the law."

This is an astonishing statement—astonishing because it was the first intimation or notice that ever reached this department that the " present governor " ever indorsed a bond for the Selma & Gulf railroad company.

No person ever presented a bond of that company to me for indorsement—no one ever expressed a desire to have such bonds indorsed — indorsed none, and knew nothing of the indorsement of the 160 numbered from 480 to 640, and could make no inquiry relative thereto before my attention was called to it by the report of the committee. If the chairman of the committee had brought to my notice this "mystery," I would gladly have co-operated with him to reach its solution.

I have since learned that the bonds referred to were indorsed by my predecessor.

On page 19 of the committee's report, are these words: "The New Orleans & Selma railroad company." "There are no papers on file in the office of the governor, showing that the company has ever applied for the indorsement of its bonds."

This is totally and gravely incorrect. The papers were received before indorsement, examined and placed on file, and have always been on file from that hour until Thursday last, when they were handed to Mr. Lewis by the recording secretary, with an explanatory note; and the committee's report is the first notification that such papers had become matter of inquiry or investigation.

Neither the president nor any agent of the New Orleans and Selma railroad have sought, in any way whatever, an evasion of the laws of indorsement, and so far as this department knows, no law has been evaded by that company; nor is this department cognizant of any fact which proves its insolvency at the time of indorsement, or its insolvency now. It is true that the recording secretary, as he informs me, had not transcribed the original papers of this railroad into a book adopted and kept for the convenience of this department, but it does seem that the absence of such a record should have directed the chairman of the committee to inquire and ascertain if the original papers were on file.

In connection with the paragraph above cited, the report says: "The committee do not undertake to determine whether the failure on the part of the executive department to record the proofs and statements required by law to entitle this road to such indorsements, was a mere inadvertence or an attempt to conceal transactions with a road whose insolvency had been made known to the governor before the application for indorsement was made."

To the foregoing the executive makes no reply, except by its citation.



On page 23 of the committee's report, the following paragraph occurs in connection with the Montgomery and Eufaula Railroad:

"As the road is not yet completed, these bonds, if in existence, are ample protection to the State, and the collection of their penalty would enable the State to retire the straight bonds, whose interest, according to the testimony of Lewis Owen, former president, has been paid since last June by the State without the matter ever having been referred to the general assembly for investigation."

The above refers to \$300,000 loaned, by special law, to said company, and constitutes part of the direct indebtedness of the State, and I know nothing of the payment of the interest, but presume that the financial agents of the State paid it just as the interest was paid on other State bonds payable in New York.

The law granting the loan requires the railroad company to pay an equal amount of interest on second mortgage bonds semi-annually into the treasury. That has been done, as the treasurer informs me, but the failure authorizes no action on the part of the executive, nor demands the performance of any duty.

On page 24 of the report, in connection with the Mobile and Montgomery railroad, these words are found: "It is, however, true that statements of the mortgages and liens were made by the trustee and president, but this does not relieve the present or former governor of the charge that, in making the indorsements, one of the plainest and most important provisions of the act was disregarded." I know of no provision of the law which I disregarded, as herein intimated, and am not prepared even to admit that any were overlooked by the present executive. It has been my constant aim to execute the laws as I found them on the statute book—neither to wantonly disregard them on behalf of the railroad companies, nor to gratify a prurient and morbid hostility in crippling their energies by strained or fanciful interpretations. The railroad companies of Alabama have had an arduous struggle, and it is a cause for astonishment that they have achieved so much. It would certainly be unwise in the governor of the State to destroy its own securities, and thereby not only multiply the tax burdens of the people, but defeat the development of our vast fields of wealth.

It is ranch to be regretted that we have fallen upon times when the executive of the State has been thus constrained to defend his official acts ; but I have deemed a vindication due alike to the truth of history, to the House of Representatives,

the vital interests of the country, and the confidence of the people who so generously committed to my trusteeship the exalted office I occupy.

ROBERT B. LINDSAY.

On motion of Mr. Knox, one thousand copies of the message were ordered to be printed; and the consideration of the message was postponed, and made the special order for 12 o'clock Saturday.

#### SPECIAL ORDER.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the special order, it being the report of the special committee on railroad investigation ; and its further consideration was postponed and made the special order for Saturday next, 12 o'clock, M.

#### REPORTS FROM COMMITTEES.

Mr. Moore, from the committee on local legislation, reported favorably to the following bills :

To prohibit the sale of liquors within two miles of the courthouse of Clarke county.

To prohibit dealing in liquors in two miles of Salem church, in Clarke county.

To prevent the sale of liquors within three and a half miles of Syllacauga, in Talladega county.

To prohibit the sale of liquors within three miles of Pleasant Site church, in Franklin county.

To prohibit the sale of liquors within two miles of Little Zion church, in Montgomery county.

To prohibit the sale of liquors within one mile of Camp Hill church, in Tallapoosa county.

To prohibit the sale of spirituous liquors within two miles of Mulberry College, in Blount county.

To prohibit the sale of spirituous liquors within two miles of Kennendale Cotton Mills, in Tuscaloosa county.

To prohibit the sale of liquors within two miles of Howe Creek church, in Dallas county.

To prohibit the sale of liquors within three miles of the Academy and Baptist and Methodist churches at Helicon.

To prohibit the sale of liquors within three miles of Stone-wall Institute, in Dallas county.

To prevent the sale of spirituous liquors within two miles of Black Jack church, in Bibb county.

To prevent the sale of liquors within one mile of Soule chapel, in Chambers county.

To prevent the sale of liquors within four miles of Bethesda and Hopewell churches, in Montgomery county.

To prevent the sale of liquors within two and a half miles of Bradford chapel church, in Macon county.

To prohibit the sale of liquors within three miles of New Cubahatchie church, in Macon county.

To prohibit the sale of liquors within three miles of New Hope church, in Macon county.

To prohibit the sale of liquors within three miles of the Methodist Episcopal church at Warrior Stand, in Macon county.

To authorize Theophilus S. and G. H. Fontaine, or either of them, citizens of Georgia, to qualify as executors of the estate of B. B. Fontaine, deceased.

To repeal section 4 of an act to establish and incorporate a male and female academy at Rehoboth, in the county of Wilcox, approved February 9, 1852.

To protect oyster beds in the tide waters of Alabama.

To authorize W. R. Head, administrator de bonis non of the estate of W. F. Falkner, deceased, to sell the land of the estate without an order of court.

For the relief of Mrs. Hannah T. Newman of DeKalb county.

To authorize the commissioners court of Jackson county to levy a special tax, from year to year, to pay off the indebtedness of said county.

To remove the administration of the estate of James S. H. Davis and Adrew S. Davis, from the county of Butler to the county of Crenshaw.

For the relief of Peter M. Ragsdale and J. C. Coleman of Marshall county.

To repeal an act to register and pay the debts of Sumter county, approved March 1, 1870.

To repeal an act to enable the commissioners court of St. Clair, Walker and Choctaw counties, respectively, to erect bridges and make the allowance preferred claims, approved February 7, 1870, so far as it relates to St. Clair county.

To relieve James E. Knott, guardian of Elmira E. Knott and William M. Knott, minors, of Sumter county, from ma-

king annual settlements of his guardianship in the probate court for three years.

To repeal an act fixing the compensation of the treasurer of Clarke county, approved February 14, 1870.

To compensate L. T. Elliott, late jailer of Shelby county, for feeding certain prisoners.

To amend section 3 of an act to empower the commissioners court of Chambers county to issue bonds for the purpose of liquidating the present indebtedness of said county.

To remove the administration of the estate of James Gordy, deceased, from the probate court of Barbour county to the probate court of Russell county.

To authorize and empower John Quinn of Muscogee county, Georgia, to administer upon the estate of James Terry, deceased, in Russell county.

To require the corporate authorities of Troy to make public a statement of the amounts collected and paid out by their authority.

To prevent the obstruction of the free passage of fish into and out of the waters of Flint Creek, in Morgan county.

To accommodate the voters in elections for members of the commissioners court of Coffee county.

To amend an act changing the name of Laura Terry of Geneva county.

Which were severally read a third time, under a suspension of the constitutional rule, and passed.

Mr. Moore, from the same committee, reported favorably to the bill—

To prohibit the sale of liquors within one mile of Shady Grove Baptist church, in the county of Dallas, and Little Zion church, in the county of Lee.

Mr. Powell moved to amend by adding at the end of section 1, the following words :

"And Snowdown school house, in Montgomery county."

Mr. Knox moved to lay the amendment on the table ;

Which was lost.

The amendment was adopted, and the bill ordered to a third reading.

Also, from the same committee, favorably to the bill—

To prohibit the sale of liquors and to prohibit the taking of pictures within one mile of Spring Creek Camp Ground, in Cherokee county ;

Was ordered to a third reading.

Also, from the same committee, adversely to the bills—

To repeal an act to prohibit the sale of liquors within two miles of the Rock Mills Manufacturing House, in Randolph county.

To remove the administration of the estate of Josephine McRae, deceased, from the probate court of Hale county, to the probate court of Marengo county.

To grant certain privileges therein mentioned to J. W. Peck of Morgan county ;

Which were severally concurred in.

Also, from the same committee, favorably to the following bill:

To authorize the issue of county bonds by the court of county commissioners of Elmore county, with an amendment by way of a substitute;

Which was adopted;

And the bill was read a third time, under suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to the bill—

To repeal certain portion of an act therein named ;

The bill was laid on the table.

Also, from the same committee, favorably to the bill—

To prevent camp hunting in the county of Marion, with an amendment as follows:

Strike out the words " not a resident of Marion county."

And also insert after the Words " within its limits" the following, " except on the premises of a freeholder of said county and by permission of said freeholder."

Which was adopted.

And the bill read a third time, under a suspension of the constitutional rule, and lost.

Also, from same committee, favorably to the bill—

To establish the fees of the county treasurer of Washington county, with an amendment as follows ;

After the words " official capacity" in section 1 insert the words "except the amount as State tax ;"

Which was adopted.

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

Also, from same committee, favorably to the bill —

To authorize the administrator of the estate of Alfred Fuller, deceased, who died intestate, to sell the lands belonging to said estate at private sale ;

Which was read a third time, under a suspension of the constitutional rule, and lost.

Also, from same committee, favorably to the bill—

To authorize Margaret Wilson, widow of Irvine Wilson, to sell and convey by deed certain lands therein named ;

With an amendment as follows :

1. Strike out the preamble.

2. Add at the end of section 1 the following: Provided, the land is appraised by three disinterested persons and the appraisement approved by the judge of probate of the county in which the land lies, and the land not sold for a less value than the appraisement of the same.

Which was adopted.

And the bill read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to the bill—

To authorize Eliza M. Buchanan, administratrix of Howell R. Buchanan, to sell the lands of said estate at private sale, with an amendment requiring the approval of the judge of probate, and report of such sale to be recorded in the office of the probate court of St. Clair.

Which was adopted.

And the bill read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to the bill—

Relative to the election of the officers of the city of Mobile ;

And the bill was ordered to a third reading.

Also, from the same committee, favorably to the bill—

For the relief of Adeline Amour of Coffee county, and others therein named.

Mr. Hewitt moved the indefinite postponement of the bill.

Which was carried.

Yeas 38, nays 27,

Yeas—Messrs. Speaker, Ashurst, Black, Box, Boyd, Bradford, Bulger, Carmichael, Clark, Clements, Coleman, Diggs, Doster, Dozier, Duskin, Ellison, Gilchrist, Green, Gunn, Hamilton, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Johnson of Coosa, Johnson of Dallas, Lumpkin, Nininger, Payne, Smith of Greene, Smith of Sumter, Speake, Speed, Taylor of Lauderdale, Wells and White—38.

Nays—Messrs. Appleton, Bullock, Calloway, Carlin, Cochran, Cowan, Craig, Curtis, Etheridge, Gee, Grayson of Clark, Haralson, Kennedy, King, Knox, Lowe, McDermott, Mancill, Marlowe, Moore, Murrah, Perrin, Powell, Semmes, St. Clair, Thompson, Tyler, Weatherford and Williams—27.

By leave, Mr. Knox moved to refer to a special committee the bill—

To amend an act to establish a criminal court for the county of Montgomery, with civil jurisdiction.

Mr. Bullock moved to lay the motion to refer on the table ;  
Which was carried.

#### LOCAL LEGISLATION.

Mr. Moore, from the committee on local legislation, reported back the bill—

For the relief of Henry A. Woolf of Marengo county,

And asked that the committee be discharged from its further consideration, and that the same be referred to the committee on the judiciary, and the bill was so referred.

Also, from the same committee, favorably to the Senate bill—

To establish an election precinct in the county of Bibb, to be known as " Ashby ;"

Which was ordered to a third reading.

Also, from same committee, reported favorably to the Senate bill—

To prevent the wanton destruction of fish in Madison county ;

With the following amendment:

Insert after the word Madison the words "Marshall and Limestone," and change the word "county" to counties ;"

Which was adopted.

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

Also, from same committee, favorably to the Senate bill—

For the relief of Nellie Croney of Colbert county ;

Which was read twice, under a suspension of the constitutional rule, and passed,

Also, from same committee, favorably to the Senate bill—

To authorize J. W. McBrayer of Coosa county to sell certain real estate ;

With an amendment as follows:

Provided, that said land shall be appraised by three disinterested persons, and shall not be sold for less than the appraised value, and report of sale of same made to the court of probate of the county in which said lands lie, approved by said court, and an account of the disposition of proceeds of

sale of said lands, with vouchers, shall be matter of record in said court ;

Which was adopted ;

And the bill ordered to a third reading.

Also, from same committee, favorably to the Senate bill—

To authorize Mrs. Phereby Roberson to sell certain lands therein described ;

With an amendment, by proviso, similar to the one set forth above ;

Which was adopted ;

And the bill ordered to a third reading.

Also, from same committee, favorably to the Senate bill—

To authorize Mrs. Elizabeth C. Prim to sell certain land therein described ;

With an amendment, by proviso, similar to the one set forth above ;

Which was adopted.

And the bill ordered to a third reading.

Also, from the same committee, favorably to the Senate bill—

To authorize Mrs. Lydia A. Ausborn to sell certain lands therein described ;

With an amendment, by proviso, similar to the one set forth above ;

Which was adopted,

And the bill ordered to a third reading.

Also, from the same committee, favorably to the bill—

For the relief of Wm. L. Mims, of Monroe county ;

Which was ordered to a third reading.

Message from the governor, by his private secretary, Mr. Chardavoyne:

Mr. Speaker:

I am directed by his excellency the governor to inform you that he has approved the following act originating in the House of Representatives:

To authorize the governor of the State to pay the legal firm of Stone & Clopton, as surviving partners of the late legal firm of Stone, Clanton & Clopton, for services rendered by said late legal firm, for the State of Alabama, in the matter to the seizure to, and other legal proceedings had on account of, the Alabama & Chattanooga railroad.

W. V. CHARDAVOYNE,

Private Secretary.



Message from the Senate—  
 SENATE CHAMBER,  
 January 30, 1872.}

Mr. Speaker :

The Senate has originated and passed bills as follows:

To authorize the secretary of State to issue a patent to William F. Bailey. .

To repeal sections 3991, 3935, 3936, 3937, 3938 and 3939 of the Revised Code of Alabama, so far as the same relates to counties of Covington and Marengo.

To authorize Mrs. Lydia J. Holt to sell certain lands therein described.

To declare certain parties therein named free dealers.

For the relief of Martha N. Lane, of Madison county.

For the better protection of enclosures and landed estates.

To authorize the removal of the guardianship of W. A. Gladson to the probate court of Bullock county.

To authorize Martha Pickard to sell or exchange for other lands certain lands which belonged to Oscar Pickard at the time of his death.

To amend section 41 of an act to establish public pounds in Montgomery county.

M. P. BLUE,  
 Secretary.

SENATE CHAMBER  
 January 30, 1872. }

Mr. Speaker :

The Senate has originated and passed bills as follows :

To invite and procure immigration to the State of Alabama.

To amend section 2860 of the Revised Code of Alabama.

M. P. BLUE,  
 Secretary.

SENATE CHAMBER,  
 January 30, 1872. }

Mr. Speaker :

The Senate has passed House bills as follows:

For the relief of Benjamin Patrick, a citizen of Alabama, residing in the city of Mobile.

To authorize the court of county commissioners of Pickens county to issue bonds for county purposes.

To repeal an act to consolidate the funds of fines and forfeitures and general fund of the county of Sumter, approved March 1, 1870.

To restrict the sale of personal property in certain cases.

To prevent homicides.

And has amended, as therein shown, and passed House bill,

To put in force certain provisions of the Revised Code relating to publication of legal and other notices.

M. P. BLUE,  
Secretary.

#### ENROLLED BILLS.

Mr. Powell, from the committee on enrolled bills, reported the following as correctly enrolled :

To provide an additional term of the chancery court for the third district of the eastern chancery division, composed of the county of Randolph.

To authorize the governor of the State to pay the legal firm of Stone & Clopton, as surviving partners of the late legal firm of Stone, Clopton & Clanton, for services rendered by said late legal firm for the State of Alabama, in the matter of the seizure of, and other legal proceedings had on account of, the Alabama & Chattanooga railroad.

To amend section 3046 of the Revised Code,

To provide an additional term of the chancery court for the 8th district of the middle chancery division, composed of the county of Bibb.

To remove the administration of the estate of George D. Ragland from Franklin county to Madison county.

To authorize Harriet Billingslea to administer upon the estate of Robert J. Glenn.

To fix the time of holding the chancery court for the first district of the western chancery division.

To repeal an act for the relief of certain school officers, so far as it applies to the county of Washington.

To fix the time of holding the circuit court in Baldwin county.

To prohibit the selling of vinous or spirituous liquors within two miles of Fairmount church and the Adkinson school, in the county of Covington.

To provide for the payment of juries of inquest summoned by coroners.

To remove the administration of the estate of James W. Powers, deceased, from the county of Wilcox to the county of Butler.

Joint resolution—

To provide for the payment of expenses incurred by a member of the committee appointed by the House of Representatives, at the last session of the general assembly, to visit the Alabama institution for the deaf and dumb and the blind, and the freedman's hospital, at Talladega.

To allow coroners mileage.

To declare Persimmon creek, in Butler county, a public highway.

To fix the time of holding the courts in the 5th judicial circuit.

To amend section 3 of an act entitled an act to incorporate the Gulf City Insurance company.

To repeal an act entitled an act to regulate the publication of legal notices in the counties of Blount, Talladega, Coosa and Tallapoosa, approved March 8, 1871, and to repeal an act to amend an act entitled an act to regulate the publication of legal and other notices in the State of Alabama, approved October 10, 1868, so far as relates to the county of Tallapoosa.

To amend section 3996 of the Revised Code.

To amend an act entitled an act to incorporate the female institute of the Tennessee annual conference of the Methodist Episcopal church, at Athens, Alabama.

For the relief of Messrs. Graham Abercrombie and George W. Green.

To incorporate the J. H. Clanton Hook and Ladder company No. 1 of Union Springs, Alabama.

The following message was received from the Governor, by Mr. Chardavoyne:

EXECUTIVE DEPARTMENT,  
MONTGOMERY, January 30, 1872. }

Gentlemen of the House of Representatives :

I herewith transmit a report received by me under the provisions of " An act to establish and encourage the cultivation of fish," approved March 9, 1871.

The information which the report contains, and the views and suggestions of the able commissioners, are worthy of consideration.

In Alabama, fish culture is certainly a novel and untried industry, yet its success in other parts of the world tends to justify its experiment here.

ROBT. B. LINDSAY.

On motion of Mr. Bulger—

The regular order of business was suspended for the purpose of considering the Senate bill—

To amend section 11 of an act to furnish the aid and credit of the State for the purpose of expediting the construction to railroads within the State ;

Which was read twice, under a suspension of the constitutional rule, and referred to a special committee of five, as follows :

Messrs. Bulger, Bradford, Drake, Wyman and Hewitt.

On motion of Mr. Alley—

The House adjourned until to-morrow morning 10 o'clock.

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FORTY-FIFTH DAY.

WEDNESDAY, January 31, 1872.

The House met pursuant to adjournment.

Prayer by Mr. Gwinn.

The journal of yesterday was read and approved.

On motion of Mr. Smith—

The vote by which the bill—

To authorize the administrator of the estate of Alfred Fuller, deceased, to sell certain lands belonging to said estate,

Was lost, was reconsidered,

And the question being on the passage of the bill—

It was passed.

Mr. Bullock moved to suspend the regular order of business to consider the bill—

To regulate the enclosure of stock in a portion of the county of Greene ;

Which was read a third time.

Mr. Bullock moved to amend by additional section as section 7 ;

Which was adopted,

And the bill read a third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. Hewitt—

The vote by which the bill,

To prevent camp hunting in the county of Marion,

Was lost, was reconsidered.

And the question recurring on the passage of the bill—

It was passed.

#### CALL OF THE COUNTIES.

On motion of Mr. Doster—

The call of the counties was suspended for the purpose of considering the

#### GENERAL ORDERS.

The Senate bill—

To prevent the sale of spirituous liquors within two miles of Hickory Bend church, in Montgomery county.

To prohibit the sale of liquors within two miles of Liberty church and Central academy, in the county of Bullock.

For the relief of William C. McIver, administrator of the Seaborn Jones, deceased.

To prevent the sale of liquors within three miles of Liberty, Midway and Rehoboth churches, in Montgomery county.

To fix the time of holding the circuit court in the 7th judicial circuit.

To amend section 1721 of the Revised Code.

To authorize the removal of the guardianship of W. A. Gholson to probate court of Bullock county.

To ratify and confirm the action of the municipal authorities of the city of Mobile in reference to the Mobile and North-western railroad company.

For the consolidation of the Mobile and North-western railroad companies of Alabama and Mississippi, and to ratify the same :

Were severally read three times, under a suspension of the constitutional rule, and passed.

The Senate bill—

To ratify and confirm a subscription by the county of Dallas, to the capital stock of the Selma and Gulf railroad company ;

Was read a first time.

Mr. Bulger moved the indefinite postponement of the bill—

Mr. Duskin moved to postpone the consideration of the bill until Monday next, and make it the special order for 12 o'clock, m.;

Which motion, on motion of Mr. Bulger,

Was laid on the table.

The question recurring on the motion to indefinitely postpone ;

It was carried.

The Senate bill—

To incorporate the Clayton hook and ladder company No. 1, of Clayton, Alabama ; and the hook and ladder company of Troy, Pike county, Alabama ;

Was read twice, under a suspension of the constitutional rule, and referred to the committee on corporations.

The Senate bills—

To prohibit the sale of liquors within three miles of the Socapatory Chapel or church house of the Methodist Episcopal church South, in Coosa county ;

Was read twice, under a suspension of the constitutional rule.

Mr. Johnson of Coosa, moved to amend, by striking out the word " three " before the word " miles," and insert the word " two ";

Which was adopted.

And the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. Bulger, from the special committee, reported favorably to the bill—

To amend section 11 of an act to furnish the aid and credit of the State of Alabama, for the purpose of expediting the construction of railroads within the State,

With an amendment by way of substitute for the proviso ;

Which was adopted,

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

Yeas 64, nays 21.

Yeas—Messrs. Speaker, Alley, Appleton, Ashurst, Black, Boyd, Bradford, Bulger, Bullock, Calloway, Clark, Coleman, Cowan, Craig, Curtis, Davis, Diggs, Doster, Dozier, Drake,

Duskin, Etheridge, Gee, Graham, Grayson of Clarke, Grayson of Madison, Haralson, Henderson, Henry, Hewitt, Hitchcock, Holmes of Baldwin, Johnson of Coosa, King, Knox, Lindsay, Lowe, Lumpkin, McDermott, Mancill, Marlowe, Miller, Moore, Murrah, Oates, Payne, Perrin, Powell, Rice, Semmes, Smith of Greene, St. Clair, Steele, Speed, Strauss, Taylor of Winston, Thompson, Ware, Weatherford, Wells, White and Williams—64.

Nays—Messrs. Benson, Carlin, Clements, Cochran, Gaskin, Gilchrist, Greene, Hamilton, Hodo, Holmes of Sumter, Johnson of Dallas, Kennedy, Leath, Lewis, McCaskey, Nininger, Smith of Sumter, Speake, Taylor of Lauderdale, Tyler and Wyman—21.

### SPECIAL ORDER.

The hour of 12 o'clock having arrived, the Speaker announced the special order to be,

The consideration of the charges contained in the address of the General Assembly against Hon. John Elliott, judge of the 6th judicial circuit.

The Hon. John Elliott not appearing in person, his counsel, Hon. Alexander McKinstry, was allowed to appear within the bar of the House in his behalf.

Mr. McKinstry asking further time to answer the charges preferred in the address.

On motion of Mr. Bradford—

It was resolved, 1st, That Hon. John Elliott be allowed to file his written answer signed by himself or counsel, to the address, pending before the House, for his removal from office, until to-morrow 12 o'clock, m.

2d. Resolved, That the said John Elliott shall be allowed until 12 o'clock Monday next, to take any testimony he may desire in his defence, and that a committee of three be appointed to take said testimony. and report to this House at said time, when the said address shall stand for consideration by this House, on all the testimony taken in the case.

3d. Resolved, That the clerk be instructed to furnish said John Elliott or his counsel with a copy of the testimony heretofore taken in the case.

As the committee under the second resolution—

Messrs. Smith of Sumter, Carmichael and Doster, were appointed.

Messages from the Senate, by Mr. Whiting :

SENATE CHAMBER,  
Montgomery, Jan. 31, 1872. }

Mr. Speaker:

The Senate has originated and passed bills as follows—

For the consolidation of the Mobile and North-western railroad companies of Alabama and Mississippi, and to ratify the same.

To ratify and confirm the action of the municipal authorities of the city of Mobile, in reference to the Mobile and North-western railroad company.

M. P. BLUE,  
Secretary.

SENATE CHAMBER,  
January 31, 1872.}

Mr. Speaker :

The Senate has originated and passed the following bills:

To protect common road bridges in Montgomery county.

For the relief of county officers of Macon county, and to provide funds for the prompt payment of the current expenses of the poor house of said county ;

And has concurred in the House amendment to Senate bill —

To prevent the wanton destruction of fish in Madison county.

M. P. BLUE,  
Secretary,

The Senate bills—

To enable William Donelson, as guardian of Laura Boddie, a minor, and resident with his said ward in the State of Tennessee, to rent out the lands of his said ward and receive any moneys coming to her in the State of Alabama.

To authorize William O. Baldwin of Montgomery to take out letters of guardianship of the person and property of William O. Baldwin, minor.

For the relief of Samuel H. Hardwick of Montgomery county and Henry C. Hurst of Jefferson county.

For the relief of J. N. and George Walker of Dale county, of non-age.



To relieve Daniel W. Hall of the disabilities of non-age.

For the relief of Rayburn Susan Stowe of Barbour county.

To authorize Martha Pickard to sell or exchange for other lands, certain lands which belonged to Oscar Pickard at the time of his death.

To declare certain persons therein named free dealers.

To authorize Mrs. Lydia «L Holt to sell certain lands therein described.

Were severally read twice, under a suspension of the constitutional rule, and referred to the committee on local legislation.

The Senate bills—

To repeal paragraph 7 of section 436 of the Revised Code.

To amend section 2860 of the Revised Code ;

Were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the revision of the laws.

The Senate bills—

To make certain claims preferred claims, in Coosa and Choctaw counties.

Allowing fees and mileage to coroners juries ;

Were severally read twice, under a suspension of the constitutional rule, and referred to the committee on fees and salaries.

The Senate bill—

To change the county line between Crenshaw and Pike counties ;

Was read twice, under a suspension of the constitutional rule, and its further consideration was indefinitely postponed.

The Senate bills—

To authorize Friendly Grubbs of Barbour county, and Samuel M. Brown of Macon county, to peddle and auction without license or tax.

To authorize J. L. Wingo of Colbert county to auction and peddle without license or tax,

For the relief of Samuel M. Brown of Macon county.

To encourage the publication of a new edition of Professor Tuomey's first report on the geology of Alabama.

For the relief of Martha N. Lane of Madison county ;

Were severally read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means.

The Senate bill—

Relating to the Selma, Marion & Memphis Railroad Company ;

Was read twice, under a suspension of the constitutional rule, and referred to the committee on internal improvements.

The Senate bills—

For the support of the State Library ;

To authorize the Secretary of State to issue a patent to William L. Brisly ;

Were severally read twice, under a suspension of the constitutional rule, and referred to the committee on education.

The Senate bill—

To invite and procure immigration to the State of Alabama ;

Was read twice under a suspension of the constitutional rule, and referred to the committee on immigration and industrial resources.

The Senate bills—

For the better protection of enclosures and landed estates ;

To amend section 4 of an act to establish public pounds in the county of Montgomery ;

Were severally read twice, under a suspension of the constitutional rule, and referred to the committee on agriculture.

The Senate bill—

To repeal sections 3931, 3935, 3936, 3937, 3938 and 3939 of the Revised Code, so far as the same relates to the counties of Covington and Marengo ;

Was read twice, under a suspension of the constitutional rule.

Mr. Powell moved to amend by striking out the county of Marengo ;

Which was adopted ;

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

The Senate bills—

To make the clerks of the circuit courts of Hale, Crenshaw and Barbour counties ex officio clerks of the county courts ;

To authorize J. W. McBrayer of Coosa to sell certain real estate ;

To authorize Mrs. Phereby Roberson to sell certain lands therein described ;

To authorize Mrs. Elizabeth C. Prim to sell certain lands therein described ;

To authorize Mrs. Lydia A. Ausborn to sell certain lands therein described ;

Were severally read a third time and passed.

The Senate bills—

For the relief of William M. Burnett of Butler county,  
from non-age.

To relieve N. Y. Wadsworth of Autauga county, of non-  
age.

For the relief of E. B. Raney of Tallapoosa county ;

For the relief of Daniel J. Campbell from the disabilities  
of non-age ;

For the relief of Thomas H. Mabson, jr., of the county of  
Bullock ;

For the relief of David W. Brown, a minor, of Dale  
county ;

Were severally read a second time and referred to the com-  
mittee on local legislation.

The Senate bill—

To make Mrs. Matilda Beasley of Bullock county a free  
dealer ;

Was read a second time and its further consideration was  
indefinitely postponed.

The bills—

To revive the charter of the town of Salem in Lee county ;

To repeal an act to suppress murder, lynching and assaults  
and batteries, approved December 28, 1868, so far as relates  
to the county of Marion ;

To repeal an act to suppress murder, lynching and assaults  
and batteries, approved December 38, 1868, so far as the  
same relates to the counties of Butler and Clay ;

Were severally read a third time and passed.

The bill—

For the relief of Reuben J. Wilson and Rufina Cook of  
Jackson county ;

Was read a third time and lost.

#### ENROLLED BILLS.

Mr. Powell, from the committee on enrolled bills, reported  
as correctly enrolled the following bills—

To authorize the Governor to issue a patent to A. A. Hew-  
lett for sixteen (16) section, township nine (9), range four (4),  
west, in Winston county, and to John John Barnett of Talla-  
dega for a fraction therein named.

To regulate the assessing and collecting of the poll tax in  
the counties of Henry, Greene, Dale, Russell and Madison.

To incorporate the town of Youngsville, in the county of Tallapoosa.

Joint resolutions on the subject of the swamp and overflowed lands of the State.

Bill to remove the administration of the estate of Sydenham Moore, deceased, from the probate court of Greene county to the probate court of Mobile county.

To extend the time of assessing the taxes in Morgan county. For the relief of Mrs. Catharine Norton.

To repeal subdivision four (4) of section 957 of the Revised Code.

To prevent homicides.

To put in force certain provisions of the Revised Code relating to publication of legal and other notices.

To restrict the sale to personal property in certain cases.

To incorporate the town of Gordon, in Henry country.

To incorporate the town of Attalla, in the county to Etowah.

To repeal an act to consolidate the funds of fines and forfeitures, and general fund of the county of Sumter, approved March 1, 1870.

To authorize the court of county commissioners of Pickens county to issue bonds for county purposes.

To incorporate the town of Dayton, Marengo county.

For the relief of Benjamin Patrick, a citizen of Alabama residing in the city of Mobile.

The bill—

To amend section 2371 of the Revised Code,

Was read a third time, the question being on the passage of the bill.

Pending the consideration of which—

On motion of Mr. Boyd,

The House adjourned until to-morrow morning 10 o'clock.

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FORTY-SIXTH DAY.

THURSDAY, February 1, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gwin.

The journal of yesterday was read and approved.

On motion of Mr. Hewitt—

The regular order of business was suspended to allow him to offer the following resolution :

Be it resolved by the House of Representatives, (the Senate concurring,) That this general assembly do adjourn sine die at 2 o'clock, p. m., Thursday, the 8th inst.

Mr. Smith of Sumter moved to amend by striking out "8th" and inserting "15th."

Mr. Boyd moved to lay the resolution on the table ;

Which was lost—Yeas, 16, nays 57.

Yeas—Messrs. Boyd, Calloway, Curtis, Dozier, Gaskin, Graham, Gunn, Hitchcock, Holmes of Sumter, Knox, Lowe, Moore, Rice, Smith of Sumter, Thompson and Tyler—16.

Nays—Messrs. Alley, Appleton, Ashurst, Benson, Black, Box, Bradford, Bulger, Bullock, Carlin, Carmichael, Clark, Clements, Cochran, Cowan, Craig, Davis, Diggs, Dustan, Etheridge, Gee, Hamilton, Henderson, Henry, Hewitt, Hodo, Holmes of Baldwin, Howell, Johnson of Coosa, Johnson of Dallas, Kennedy, King, Lewis, Lumpkin, McCall, Mancill, Murrah, Nininger, Payne, Perrin, Powell, Semmes, Sims, Smith of Choctaw, Smith of Greene, Smitherman, Speake, St. Clair, Steele, Speed, Strauss, Taylor of Lauderdale, Toulmin, Ware, White and Wyman—57.

On motion of Mr. Smith of Sumter—

The further consideration of the resolution was indefinitely postponed.

Messages from the Senate, by Mr. Whiting :

SENATE CHAMBER,  
February 1, 1872. }

Mr. Speaker

The Senate has originated and passed the following bill :  
In relation to the duties of the clerk of the supreme court.

M. P. BLUE,  
Secretary.

SENATE CHAMBER,  
February 1, 1872. }

Mr. Speaker :

The Senate has originated and passed a bill—

To authorize George W. Moore to practice medicine in this State.

And has concurred in House amendment to Senate bill—

To amend section 11 of an act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within the State.

And has amended, as therein shown, House bill —

To amend the charter of the city of Talladega, and to confer additional powers on the mayor and aldermen of said city.

M. P. BLUE,  
Secretary.

Mr. Smith of Choctaw, by leave, offered the following resolution:

Which was adopted:

Resolved, That the committee appointed to take testimony for the defense in the matter of the address against the Hon. John Elliott, be allowed to employ a clerk and sergeant-at-arms, and that they each be allowed six dollars per diem during the time that they are employed, and that the sergeant-at-arms be allowed his traveling expenses,

On motion of Mr. Hewitt—

The regular order of business was suspended for the purpose of considering the following resolution, which was offered on the 22d inst., to-wit :

Resolved, That from and after the adoption of this resolution, the House shall meet at 10 o'clock, a. m., and adjourn at 2 o'clock, p. m., and meet again at 3½ o'clock, p. m., and adjourn at will, each day, until the close of the session.

Mr. Knox moved to strike out " 3 ½ " and insert "4 ½ ."

Mr. Hewitt moved to lay the amendment on the table ;

Which was lost.

The question being on the adoption of the resolution,  
It was lost.

#### CORPORATIONS.

Mr. Payne, from the committee on corporations, reported favorably to the following bills :

To repeal an act to incorporate the Central Southern Mechanical and Literary Institute, approved January 30, 1862.

To incorporate the Protection hook and ladder company of the city of Selma.

To repeal an act incorporating the town of Fayetteville, in Talladega county.

To amend an act to establish a charter for the town of Elyton, in the county of Jefferson,

To incorporate the town of Ashville, in the county of St. Clair.

To define the corporate limits of the town of Livingston, in Sumter county.

To incorporate the town of Gilmer, in Lawrence county.

To incorporate the town of Prattville.

In relation to asylums and other charitable institutions in this State ;

Which were severally read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to the bill—

To amend an act to incorporate the Rock and Lignite Oil company of Alabama ;

With an amendment to strike out section 3,

Which was adopted ;

And the bill read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to the bill—

Conferring certain authority upon the Alabama detectives ;

With an amendment as follows :

At the end of section 3 add the following words: " and shall execute a bond in such an amount as may be required of them by the secretary of State, with good security ;"

Which was adopted,

And, on motion of Mr. Leath—

The bill was laid on the table.

Also, from the same committee, favorably to the bill—

To incorporate the town of Pine Apple, in Wilcox county ;

With an amendment as follows: by adding, after the word " order," in the fifth line, second page, the words, " and may enforce all ordinances for the preservation of order by fine not exceeding ten dollars, and by imprisonment not exceeding forty-eight hours;"

Which was adopted,

And the bill read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, adversely to the bill—

To repeal section 2 of an act to incorporate the Palmyra female academy, in Barbour county, approved January 11, 1860 ;

Which was concurred in.

Also, from the same committee, adversely to the bill—

To amend the charter of the gas light company of Selma, approved February 18, 1854.

The bill and report were laid on the table.

#### WAYS AND MEANS.

Mr. Oates, from the committee on ways and means, reported adversely to the Senate bill—

In relation to the payment of the interest on the bonds of the Alabama and Chattanooga railroad company ;

Which was not concurred in, and the bill was ordered to a third reading.

Also, from the same committee, adversely to the Senate bills—

To refund a license tax to Fowler & House, of the county of Montgomery, improperly collected.

To authorize and require the tax collector of Etowah county to receive the general county tax in county claims, except the tax for special purposes.

Also, to the House bills—

To amend section 97 of the revenue laws of the State of Alabama, approved December 31, 1868.

To repeal an act to require the court of county commissioners to publish semi-annual exhibits of the receipts and expenditures of money for and on account of their respective counties, approved August 12, 1868 ;

Which were severally concurred in.

Also, from same committee, favorably to the Senate bill—

For the relief of Mrs. Priscilla C. Jemison, widow of the late Robert Jemison, jr. of Tuscaloosa county.

And to the House bill—

To amend subdivision 16 of section 3 of "an act to establish revenue laws for Alabama," approved December 31, 1868 ;

Which were severally read a third time, under a suspension of the constitutional rule, and passed.

Also, from same committee, favorably to the bill—

To raise revenue for the State ;

With an amendment by way of a substitute ;

Which was adopted ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Also, from same committee, favorably to the bill—

To allow G. W. S. Hunter, a blind man of Randolph county, to show certain things therein named free of State and county license ;



With an amendment as follows :

"Provided, the said Hunter confine himself to Randolph county in the exercise of this privilege;"

Which was lost.

And the bill read a third time, under a suspension of the constitutional rule, and passed.

Also, from same committee, favorably to the bill—

To require foreign fire and life insurance companies to take out license to do business in this State ;

With an amendment as follows :

Insert after "auditor" where it occurs in the third line of section four, the words " or chief of bureau of insurance," if any be established in this State ;

Which was adopted ;

And the bill was read a third time, under a suspension of the constitutional rule, and lost.

#### ENROLLED BILLS.

Mr. Powell, from the committee on enrolled bills, reported the following as correctly enrolled :

To incorporate the town of Georgian, in Butler county.

To incorporate the town of Somerville, in Morgan county.

#### HON. JOHN ELLIOTT.

The hour of 12 o'clock having arrived—

Mr. Speaker, in compliance with a resolution adopted on yesterday, announced that this was the hour designated to allow the counsel for the Hon. John Elliott to appear before the House and file the answer of the said John Elliott, to the address of this House to the governor, for the removal of the said John Elliott, from the office of judge of the 6th judicial circuit.

Whereupon, Mr. Alexander McKinstry, as counsel for Hon. John Elliott, appeared within the bar of the House and submitted the following paper :

Exceptions by John Elliott, judge of the 6th judicial circuit of the State of Alabama, to the address proposed to be made to the governor to remove him from his office as judge, and the said Elliott now says :

That in the accusation and in the 1st, 2d and 3d specifications of the proposed address, the allegations are general only, and in no instance is any specific act or willful neglect of duty

alleged or complained of neither as to time, place or circumstance.

So that it will be necessary in order to defend himself therefrom, and answer thereto, for him to show by his evidence every act of his life, since he has held the office of circuit judge.

He therefore prays, that he shall not be held or required to answer the same as alleged in said proposed address, but that he be dismissed from this honorable bar with his costs.

(Signed) JOHN ELLIOTT,  
By Alex. McKinstry,  
His Counsel.

Mr. Hewitt offered the following resolution, which was adopted :

Resolved, That inasmuch as the testimony taken by this House in the cause now pending against the Hon. John Elliott, has been furnished to the attorney of the said Elliott, and inasmuch as the House will be confined in its further investigation of the cause, to the official misconduct as disclosed by said testimony, that the exceptions taken and filed in this House to the charges made in said address, by the attorney of the said Hon. John Elliott, be, and the same are hereby overruled, and that the said John Elliott be required to file his answer to said charges instantler, or the same will be in all things deemed to be confessed.

Mr. Box moved to reconsider the vote by which the resolution was adopted ;

Which was carried.

Yeas 62, nays 19.

Yeas— Messrs. Speaker, Alley, Appleton, Ashurst, Benson, Black, Box, Bradford, Bulger, Calloway, Carmichael, Clark, Cochran, Craig, Curtis, Davis, Diggs, Dozier, Drake, Dustan, Etheridge, Gaskin, Gee, Grayson of Clarke, Grayson of Madison, Greene, Gunn, Henry, Hitchcock, Holmes of Baldwin, Holmes of Sumter, Johnson of Coosa, Johnson of Dallas, Kennedy, King, Knox, Lumpkin, McCall, McCaskin, Mancill, Miller, Moore, Nininger, Oates, Perrin, Powell, Semmes, Smitherman, St. Clair, Speed, Taylor of Lauderdale, Taylor of Winston, Thompson, Tyler, Ware, Weatherford, Wells, White, Williams and Wyman—62.

Nays—Messrs. Boyd, Bullock, Carlin, Clements, Coleman, Cowan, Crook, Hewitt, Howell, Leath, Lindsay, Lowe, Mur-

rah, Payne, Sims, Smith of Choctaw, Speake, Steele and Strauss—19.

And the question recurring on the adoption of the resolution, it was lost.

Mr. McKinstry, counsel for Hon. John Elliott, presented to the House the following as the answer of Hon. John Elliott to the address of the House, with a protest, as will appear below, to-wit :

" And the said John Elliott, judge of the 6th judicial circuit of the State of Alabama, now says, that in answer to the accusation, and each and every and all of the specifications of which he is charged in the proposed address to the governor, he is not guilty as therein alleged against him, wherefore he prays an order discharging him therefrom.

JOHN ELLIOTT,  
Per Alex. McKinstry,  
Counsel for John Elliott.

And the said Elliott now protests against being required to file his answer before the exceptions to the general nature of the proposed address, which he has filed thereto, shall have been sustained or overruled, insisting that he can not properly make his defense to said proposed address unless his exceptions thereto have been acted upon; and thus protesting thereto, and reserving all of his rights under the constitution of the State of Alabama, and reserving the right of availing himself thereof, with the leave of this honorable House files his answer and plea to the same address, which the privilege of being entitled to all or any benefits that he would be entitled to at the final hearing of said address before this honorable House of Representatives.

JOHN ELLIOTT,  
Per ALEX. McKINSTRY,  
Counsel for John Elliott.

Message from the governor, by Mr. Chardavoyne:

EXECUTIVE CHAMBER, February 1, 1872.

Gentlemen, of the Senate and House of Representatives:

I submit to the General Assembly a communication addressed to the Executive by Messrs, Stone & Clopton, Watts & Troy, and Gen. E. W. Pettus, relative to the Alabama & Chattanooga railroad company. The magnitude and gravity of the questions presented in the communication, united to

the eminent character of the gentlemen who sign it, will secure for it the earnest consideration of the Legislature.

The legislation they deem necessary to protect the State against danger and loss from its complications with the Alabama & Chattanooga railroad they have embodied in a draft of a bill which I herewith transmit for such action and disposition as the General Assembly may, in its wisdom, consider proper.

The present status of the State in its legal relations with this railroad company demand great vigilance lest the strength of that status should be impaired or its advantages lost.

ROBERT B. LINDSAY.

To His Excellency B. B. Lindsay :

The undersigned, legal adviser of the State in the matters of the Alabama & Chattanooga railroad company, have felt and still feel the necessity of additional legislation, that the interests of the State may be properly protected, and the property of the corporation made available in liquidation of the State's liabilities on account of said railroad corporation. To a proper understanding, however, of the character of the legislation needed, a succinct history of the progress of events since we became counsel in the premises, seems necessary. In no other way can we clearly set forth the difficulties encountered, and the reasons which have controlled us in our professional connection with said railroad complications

### THE SITUATION

Of the railroad, at the time our services were obtained as counsel of the State, was substantially as follows :

The railroad corporation had failed to provide the interest due in January and July, 1871, on bonds for which the State was found to be liable, and the State had paid that interest.

You, the Governor, under the 8th section of the act " to establish a system of internal improvements in the State of Alabama," approved February 19th, 1867, had appointed John H. Gindrat, Esq., (Gen. James H. Clanton to accompany him as adviser,) to take possession and control of said railroad and all the assets thereof.

The road extended not only across the State of Alabama, but into the States of Mississippi, Georgia and Tennessee ; most of the movable property of the road was beyond the limits of the State of Alabama ; a large part of it under seizure in judicial proceeding, and most, if not all the residue, was held by self-constituted force. The authority of the

State through its Governor, under the statute above referred to, could have no extra territorial operation, and judicial interposition was necessary to obtain possession of the property that was beyond the limits of Alabama. Neither yourself nor your appointees were able to obtain control of the entire road and its property.

A suit in equity in favor of the State had been instituted through the instrumentality of Gen. Clanton in the Circuit Court of the United States for the State of Mississippi, and under the order of that court John H. Gindrat had been appointed receiver, and as such Receiver had obtained possession of all that part of the road and its property which were in Mississippi. In this condition of the affairs of the rail road, we were called into the counsel. We attempted a survey of the entire field, and found difficulties of grave magnitude in any line of policy we might recommend. To stand still was practically to abandon all attempts to obtain such control of the road as to employ it to any profit. This would leave it in the lands of dissatisfied creditors, who were clamoring for their alleged dues. We had no alternative left us but to appeal to the courts of the country. Under the Constitution of the United States, the State could sue in the Supreme Court of the United States, the only court whose powers were certainly adequate to adjust the entire controversy in one proceeding. But that court sat at a great distance from the line of the railroad, it sat but once a year, its docket was known to be crowded with business, the expense in that court would certainly be very great, and under all the circumstances we did not deem it advisable to sue in that court, unless it should be afterwards found necessary to do so, to prevent abuse and disregard of the State's interests in some other court. At the same time, we resolved to keep the State uncommitted to any judicial proceedings that might be instituted against the railroad corporation by any other creditor, thus holding in reserve the right of the State to invoke the interposition of the Supreme Court of the United States, should such interposition become necessary.

We knew, also, that an attempt had been made to place the railroad corporation in involuntary bankruptcy, and that such attempt had failed only because of some imperfection in the proceedings. From the number of the creditors of the corporation, the notorious dissatisfaction felt at the conduct of the road and its officials, and the probability that it could be shown that the corporation had committed acts of bankruptcy, we considered it probable that other attempts would be made to have it declared bankrupt.

Other hindering and disturbing litigation in the interest of

the corporation was apprehended by us. The tendency of that litigation, as we then thought and still believe, was to take the control of the road and its property out of the custody of the assignees and appointees of the State, and to place the same in hands and under influences hostile to the interests of the State of Alabama. The sequel, as we shall hereafter show, has converted our apprehension into incontrovertible facts. Hurried as we were by the exigency, and fearing complications and embarrassments that we would surely encounter if adverse litigation got the start of us, we advised and instituted judicial proceedings in each of the other States into which the road extends. In this we were not unmindful of the difficulties in our path ; but with all these difficulties, this seemed to be the least objectionable of all conceivable lines of policy. By this plan we hoped and expected to be able to place the road in such hand or hands as that it could and would be operated for the best interests of the State, and in entire harmony throughout its whole length. We believed also that when those opposed to the State's possession of the road should find themselves foiled in all their efforts to hold the road, a speedy adjustment would be concluded with them, or with some responsible contracting party, which would relieve the State of all further necessity of holding possession of the road—a possession much deprecated by us—justified alone by the stern necessities of the case, and to be relinquished as soon as the State's interests would permit. This opinion was based, and this counsel given, on the conviction we then entertained, that the road and its property were in value much more than sufficient to pay the debt secured by the first mortgage ; that the failure of the corporation to meet its interest resulted from design, and not from inability to pay; that the conduct of the corporation and the officers of the road had for its object the shifting of the burden of its indebtedness to other shoulders than their own ; and that as soon as they should find themselves powerless to carry out this policy, they, to prevent the road from passing forever from their hands, would make such adjustment as would protect the State from loss on account of the endorsed bonds. The conduct of those parties since, as set forth hereafter, has served only to confirm our convictions then entertained. We believe their controlling purpose then was, and yet is, to relieve themselves of the burden of the road's first mortgage indebtedness and either repudiate it outright, or leave it to be paid by the State.

Desiring, as above stated, to be first in the field of litigation, and believing that with such advantages secured to the State, a satisfactory solution of all difficulties could be ob-

tained ; or failing in this, the State would become master of the situation, we adopted the course hereinafter shown. The result proved that we did not unduly apprehend or over-estimate the importance of being first in the field. We promptly instituted the following

#### JUDICIAL PROCEEDINGS :

A suit in the chancery court of Tennessee, in which the attaching creditors of the road's property were restrained by injunction, John H. Gindrat appointed receiver, and the road and its property in that State placed in his hands. A suit in equity in the State of Georgia, which resulted in the appointment of Gen. Wofford as receiver, and the portion of the road and its property which are in that State was placed in his hands. A suit in the chancery court of Sumter county, Alabama, which resulted in the appointment of Mr. Charles Walsh of Mobile as receiver.

Since the appointment of said receivers there has been no obstruction to the harmonious operation of said road, save on that portion which is in Georgia, some twenty-four or twenty-five miles in length. On this part of the road both the States of Georgia and Alabama have indorsed the bonds of the railroad company ; Alabama at the rate of sixteen thousand dollars per mile, and Georgia at the rate of eight thousand dollars per mile. These conflicting claims and interests between the two States have furnished the only obstacle to the harmonious running of the entire road by the several receivers and appointees. The interests of all parties concerned call for a speedy removal of this obstacle, for the road cannot be successfully run except upon a schedule of entire harmony throughout the whole length. "Under existing laws, your Excellency has not the requisite power to adjust this difficulty. This would have presented a very serious obstacle to the profitable running of the road, if it had been complete in all its length and equipments. But the road is incomplete, and is greatly deficient in rolling stock. Competent judges estimate that to complete and furnish the road there will be required an outlay of a million or twelve hundred thousand dollars. Without this the road cannot be run with much profit. Still the road must not be abandoned. To do this would leave it exposed to merciless depredators and to very rapid decay from disuse and the absence of proper supervision and repairs. Under the law as it now stands, your Excellency can not furnish the funds for the completion and equipment of the road ; and the powers of the four courts under four different jurisdictions, each independent of the others, could not prob-

ably be brought to harmonize on a policy which would meet such a want as this. Some legislation in the premises is necessary if litigation or other hindering causes should materially prolong the present state of things.

#### OTHER COMPLICATIONS.

On the 12th day of September, 1871—only eight days after the bill in favor of the State was filed in the chancery court of Sumter county—the last of the suits instituted by us for the State, one William F. Drake of New York, claiming to be a second mortgage bond holder to the extent of sixty thousand dollars filed his bill in the circuit court of the United States for the State of Alabama against the Alabama & Chattanooga Railroad company, and John H. Gindrat, receiver, appointed by your Excellency. By his original bill, Drake sought to repudiate the State's indorsement of that part of the first mortgage bonds which were issued for the construction of all that part of said railroad which lies east or northeast of Elyton, about half the track. By said bill he also sought to have a receiver appointed by that court, to take charge of and control said road and its property, under the order of that court. If he had succeeded in having a receiver appointed under his bill the result he sought to reach would have been the displacement of the State's receiver and of the receiver appointed at the State's instance in the Sumter chancery court. That end he would have attained, or there would have resulted a very serious and embarrassing conflict between the two jurisdictions, State and Federal. Nothing but the prudence and judicial ability of Judge Woods prevented the culmination of this conflict.

The first motion for the appointment of a receiver under Drake's bill was made and heard at chambers, in Montgomery, about the 12th or 14th day of September, 1871. This motion was overruled.

In December, 1871, Drake's bill was so amended as that it denied the constitutionality of the Alabama act incorporating the Alabama & Chattanooga Railroad Company, and claimed that the company became a corporation only by virtue of the Tennessee statute enacted in 1870. Under this amendment he sought to invalidate and repudiate the entire indorsement by Alabama of the Alabama & Chattanooga railroad bonds. He also again sought to have a receiver appointed. That motion came up for adjudication at the recent term of the court in Mobile, and was finally decided on the 25th of January, 1872. The decision of the court was that the Alabama act of



incorporation is constitutional and valid, that the bonds are a subsisting liability, and, as a consequence, the State is bound by its indorsement of the bonds. On the motion for the appointment of a receiver, the court declined to make the order, solely on the ground that it appeared that the chancery court of Sumter, a court of concurrent jurisdiction had first acquired jurisdiction of the subject matter and appointed a receiver. The motion was therefore continued, that the true condition of the chancery suit in Sumter county maybe shown by the pleadings and evidence at the next term of the circuit court of the United States. That term will be held in April next. Such appointment, made under said bill so filed by Drake, we believe would materially hinder Alabama in the assertion of its claims on the road.

About the 15th of September, 1871, W. A. C. Jones, an alleged creditor of the Alabama & Chattanooga Railroad Company, filed a second application in the district court of the United States for the middle district of Alabama to have the Alabama & Chattanooga Railroad Company declared an involuntary bankrupt. Such proceedings were had thereunder that on the 6th day of November, 1871, said corporation was adjudged bankrupt, and assignees were appointed. A petition to have said proceedings revised and reversed, made in behalf of the corporation, was beard before Hon. W. B. Woods, United States circuit judge at Savannah, about the 29th day of November, 1871, and the motion was overruled ; that court thus leaving the bankrupt adjudication in full force.

In the recent proceeding in the circuit court of the United States for the appointment of a receiver under Drake's bill, the court incidentally ruled that the bankrupt adjudication aforesaid was invalid because of irregularity in the filing of the petition and the service of notice. Thereupon one Sylvester Stephen, claiming to be a creditor of the Alabama & Chattanooga Railroad Company, served notice and prayed a second revision of said bankrupt adjudication. This petition is set for hearing before Hon. W. B. Woods, on the 18th of March next, at chambers, in the city of Mobile. The probable effect of this second petition for revision will be to delay action under the bankruptcy until the same is heard. It may turn out that the hearing will be delayed beyond the 18th of March. Soon after action was sought in the middle district of Alabama, under petitions filed by W. A. C. Jones, to-wit : On the 19th day of September, 1871, Hopkins & Co., claiming to be creditors of said corporation, filed a petition in the district court of the United States of the eastern district of Tennessee to have the said Alabama & Chattanooga Railroad Company declared an involuntary bankrupt in that court.

Proceedings under that petition stand suspended, because it was shown to said court that the petition of W. A. C. Jones above had been presented and acted upon in the United States district court of Alabama, before the petition was filed in that court. Should the proceedings in the Alabama district court fail, the said proceedings in the Tennessee court can be revived. We have been thus particular in details in order that the complications which have embarrassed and obstructed the State in its policy may be understood. We take a further step, and hazard the expression of a firm belief that all this litigation in opposition to the State's policy, saving and excepting the bankrupt proceedings inaugurated by W. A. C. Jones aforesaid, originated and has been directed in one common interest, and is all the work of J. C. Stanton and his confederates, of whom W. F. Drake is one.

We will briefly give our reasons for this belief. In the changing phases of litigation, of which a history is given above, the following interests, apparently conflicting, have been represented by one counsel. In the first proceedings in bankruptcy instituted by W. A. C. Jones, Judge Rice sought to appear as amicus curie in opposition to the adjudication of bankruptcy. He was denied a hearing in that character. A petition by the corporation to revise said proceedings was afterwards heard before Judge Woods, and the adjudication reversed. On the hearing of this petition, Judge Rice appeared as counsel for the corporation.

On the 12th of September, 1871, the bill of W. F. Drake against the Alabama and Chattanooga Railroad and John H. Gindrat, mentioned above, was filed. One object of that bill was to have a receiver appointed by that court to take charge of the road and its property. Within two or three days after the bill was filed, a motion was submitted to Judge Woods at Chambers in Montgomery to appoint a receiver. On the hearing of that motion, the evidence of notice to the Alabama and Chattanooga Railroad consisted of the acceptance of service indorsed on the bill, signed by some one, not known or a resident of Montgomery, representing himself as counsel for the railroad corporation. It was said that said attorney resided in New York. He was not present in court. It is understood that the bill was framed in New York ; and we suppose the indorsement of acceptance of service was made there, before the bill was filed. This served the purpose of notice to the corporation on the motion heard in Montgomery. Judge Rice appears as counsel of Drake in every stage of this suit. His individual, not his firm name, is signed to the pleadings.

On the recent motion to appoint a receiver in that cause

heard in Mobile it was deemed necessary to have the corporation represented in court ; and Mr. Chilton, law-partner of Judge Rice, appeared in court and announced himself counsel of the railroad corporation.

In the proceedings in bankruptcy instituted in the district court of Tennessee by Hopkins & Co., mentioned above, Judge Rice appeared as counsel for the petitioning creditors to put the road in bankruptcy in that court.

In the second petition for revision of the Alabama bankruptcy, filed by Sylvester Stephens, Judge Rice appears as counsel for said Stephens.

Those several interests, so represented by one and the same counsel, appear to be conflicting. They can be reconciled only on the theory that they all have one common aim, and are controlled by one common spirit. We refer to these several acts of counsel, with the sole view of proving that all this opposing litigation has one common object.

On these considerations, we have resisted, thus far successfully, all attempts to place the road and its property in the hands of a receiver appointed at the instance of W. F. Drake.

It is shown above that Judge Woods declined to appoint a receiver in Drake's suit, solely because jurisdiction of the corporation had first attached in the State's chancery suit in Sumter county ; so long as that court exercises jurisdiction in the premises, the circuit court of the United States for Alabama will not interfere. We advise that the Sumter chancery suit be still prosecuted, as the best means, under existing circumstances, of preserving and controlling for the State the said railroad and its property. Mr. Walsh, the receiver appointed by that court, is widely and favorably known for his good character and business qualifications. We are pleased to learn that your Excellency will interpose no obstacle to his administration of the property committed to him in the character of receiver ; but that you approve such administration by him. His possession, we trust, will result in much benefit to the State ; and we hope no attempt will be made, in any court, to disturb his possession, resting as it does on the paramount lien of the State, until the State's liability is cancelled or satisfactorily adjusted. We can not admit that the State can be forced as a suitor into the federal courts ; and we can not admit that the State's interests can be adjudicated or passed upon in such courts except at its own instance. The validity of judicial proceedings depends on the jurisdiction of the court before which the trial is had. Jurisdiction, not only of the subject-matter, but of the person. The person in the present case is the State of Alabama; and " the judicial power of the United States shall not be construed to extend to any

suit in law or equity commenced or prosecuted against one of the United States, by citizens of another State, or by citizens or subjects of any foreign State."—Art. XI of Amendment to the Constitution.

We have never made the State of Alabama a party to any of the several suits mentioned above, except the said four suits in equity, instituted in the name of the State. We intend to pursue this policy so long as we are counsel for the State against the Alabama and Chattanooga Railroad. Neither the property of the Alabama and Chattanooga Railroad Company conveyed by the mortgage, nor the State's claim therein, can be sold except in one of two ways : a sale by the trustees under the power of sale in the mortgage, or a judicial sale under a decree of the chancery court, foreclosing the same. No human ingenuity can devise a plan, other than one of these, by which said property can be sold and a title conveyed, without the consent of every party interested.

There are obstacles in the way of speedy foreclosure in chancery, which can not be obviated. Not the least of them is the fact that the foreclosure must be obtained in four different courts, in as many jurisdictions, each independent of the rest. The four chancery suits now pending in favor of the State will suffice or the complete foreclosure of the mortgage.

#### BANKRUPT PROCEEDINGS.

Three several proceedings in bankruptcy, as above shown, have been instituted against the Alabama and Chattanooga Railroad Company. Without committing the State in that court by an appearance, we, nevertheless, opposed adjudication in the district court of Tennessee, because we did not believe it had jurisdiction of the corporation, chartered as it was by the State of Alabama. We believe that the legislation of Tennessee, Mississippi and Georgia did not create, but only recognized an existing corporation, and gave it certain powers within their respective limits. Hence, it was our opinion that only the district court of Alabama had jurisdiction in bankruptcy of said corporation. We had other objections to the adjudication in Tennessee.

When the second petition was filed by W. A. C. Jones in the district court for the middle district of Alabama to have said corporation adjudged an involuntary bankrupt, we resolved to pursue the course we had theretofore pursued : not to commit the State of Alabama to the proceedings by any appearances in its name. Our plan was to hold the rights and privileges of the State in reserve, that we might appeal to a higher tribunal, should the proceedings in the bankrupt

court take such direction as to render an appeal necessary. With this reservation, we took no steps in opposition to the adjudication. Met by difficulties in the administration of the affairs of the corporation in the four separate chancery courts, we hoped that through the proceedings in bankruptcy all the claims and liens on the road, save those in favor of the States of Alabama and Georgia, would be so adjudicated and settled as that the State, without further molestation, could make final disposition of its interest in the road. We could not believe the bankrupt court would claim the right to adjudicate the State's claim, or to adjudicate or dispose of the State's lien ; and if such claim were made, it was our purpose to oppose it in every manner available to us.

With these views we had an interview with the counsel for the assignees, soon after their selection, and found their views, freely expressed to us, coincided with our policy above marked out. This plan, if carried out, will, we believe, but promote the interests of the State. On the other hand, we cannot conceive that in such proceeding the interests of the other creditors of the corporation will be disregarded. In the sale of the road under such order, the other creditors could become purchasers—using in the purchase their claims on the road against the money of other bidders.

We have hoped, and still hope, that a sale thus conducted will result in a purchase by some responsible company or party in the interest of creditors, whose claims are subordinate to the State's, and that such purchaser, by negotiation, would take the place of the corporators, and thus relieve the State of all liability for interest on the bonds, and the vexed problem of attempting to operate the road on State account.

In this connection, it may not be out of place to refer here to the written opinion given by three of us to General James H. Clanton, on the 16th day of August, 1871. We there, among other things, said : "If some individual creditor of that company should succeed in obtaining a valid adjudication of involuntary bankruptcy against that corporation, the sale of the entire road would be more expeditious, and it probably would sell for more in that way than in any other."

What is to be the final result of these bankrupt proceedings, we cannot know.

There will probably be delay, more or less protracted, before any final action will be reached. In the meantime, the road must remain under its present management, unless the control is wrested from the hands of the receivers by some process, the legality of which we do not acknowledge. If the attempt to put the road in bankruptcy finally fails, the

road and its property must remain as they now are until the interest paid by the State is refunded, or until there is a foreclosure of the mortgage liens of the State. To meet these several contingencies, we respectfully suggest that legislative action is necessary. We have prepared a bill, herewith submitted, for the consideration of the legislature, to be entitled, "An act to adjust the claim of the State on the Alabama & Chattanooga railroad on account of endorsed bonds and interest thereon." In that bill we have attempted to supply the defects in existing laws, so far as such defects tend to hinder or delay the State in the enforcement of its claims on the Alabama & Chattanooga Railroad Company. We indulge the hope that the bill will command the serious consideration of the legislature, and that the substance of its provisions may become the law of the land.

Throughout our professional connection with the matter discussed above, we have earnestly hoped that some adjustment could be made which would save the State and render it unnecessary longer to hold possession of the road. To this end we gave our assent to, and assisted in procuring delays in the bankrupt proceedings heretofore mentioned. When the new board of directors was elected, of which W. F. Drake is President, we advocated postponement that we might ascertain the spirit and purpose of that board, and its willingness and ability to pay. We soon became convinced that we had nothing to hope for from that quarter ; and the conduct of Mr. Drake since that time has only confirmed our convictions then formed. The only proposition for adjustment that was ever made to us was submitted by Judge Rice, the date not noted or remembered, but it was early in October, 1871—certainly before the election of the new board of directors. His proposition was submitted orally, but was reduced to writing by one of our number, and was corrected and approved by Judge Rice. When asked by us, in whose behalf he made the offer, he did not inform us. We did not believe the parties represented by Judge Rice could or would repay to the State the interest it had paid for the road. Still, we gave the proposition serious consideration. Our conclusion was, that on the whole, the proposition could not be accepted ; and we so informed Judge Rice in our communication to him of October 18th, 1871. A copy of our said communication is herewith submitted as note. Some corrections of our statement of Judge Rice's proposition were afterwards made under his direction ; and the paper herewith submitted contains his corrections. Since that time we have

received no proposition of any kind which looked to an adjustment

We are, very respectfully,  
Your obed't servants.

STONE & CLOPTON,  
EDMUND W. PETTUS,  
WATTS & TROY.

January 31, 1872.

[NOTE.]

Hon. S. F. Rice:

Sir—You have submitted for the consideration of Governor Lindsay and his attorneys, the following proposition in behalf of the Alabama & Chattanooga Railroad Company, as a basis of adjustment of the complications between the State and the Company, viz :

1st. The company is to repay to the Governor, for the State, all the interest paid by the Governor on the bonds of the company indorsed by the State ; and also repay such legal interest as has been paid or incurred in making such payment. (This payment is to be made, we suppose, in such currency as the Governor has been required to pay.)

2d, The question of the two millions of bonds loaned by the State to the company and of the interest thereon, paid or to be paid by the Governor, to be left, upon the state of the facts as they existed on the ninth (9th) of March, 1871, until the courts shall settle and determine the liability of the State thereon, on such state of facts existing on the 9th of March, 1871, independently of anything since done by the Governor : The said Railroad Company not to be held as admitting the validity of said indorsed bonds, or of said indorsement.

3d. On payment, by the company, of the interest on the indorsed bonds heretofore paid by the Governor, and the aforementioned legal interest thereon, the road and other property of the company heretofore seized by the authority of the State, or at the State's instance, to be surrendered to the company, such company not to be disturbed in possession thereof by the State until some future default by the company, in not paying principal or interest on said indorsed bonds, or until some default in not paying principal or interest on said two millions of bonds loaned, occurring after the courts of the country shall settle and determine the liability of the State on such last-mentioned bonds. The injunction as to the sale of the lands of the road to stand of force until such settlement by the courts of the said question of the State's liability.

4th. The State not to waive or impair any lien it may have, by anything herein ; and the question of the State's liability on the two millions of bonds loaned, or on the indorsements of the said other bonds so far as the company is concerned, not to be in any manner affected by any effect that may be given to anything done by the governor since March 8th, 1871.

This proposition as a whole cannot be accepted for the following reasons:

1st. The governor has no power to bind the State not to assert all its rights, and not to resort to all remedies it may have for its security or indemnification, in the matter of the two millions of bonds loaned; and any promise he might give to withhold the assertion of such rights until the question of the liability of the State on such bonds is settled by the courts, would not only be unauthorized—but if authorized, might tie up the State in the matter of its remedies for an indefinite period, and until the securities themselves would become much less adequate to a just measure of indemnity. In the assertion of such rights, and in resorting to such remedies, the company might be necessarily disturbed in its possession of the railroad, or some of its property.

2d. Two or more applications in as many States, are now pending to have the Alabama & Chattanooga railroad declared an involuntary bankrupt. The telegraph informs us that the road has been adjudged a bankrupt in the district court of the southern district of New York. Strong ex-parte proof has been made of several acts of bankruptcy by the company. A very grave question meets us at the threshold : can the State of Alabama, having this information, and believing, if not knowing, that the railroad is insolvent, safely agree to accept from this bankrupt corporation payment of its present claim, made with assets other than those upon which it holds a mortgage, and in consideration of such payment discontinue legal proceedings already instituted? Would not such preference be a fresh act of bankruptcy by the corporation ; and would not the acceptance on such agreement bring the State under the influence of the 39th section of the bankrupt law, which not only compels the surrender of the money to the assignees, but deprive the creditor of all right to prove his demand in bankruptcy ? We feel sure it would. We are only anxious to protect the interests of the State, and are exceedingly solicitous to keep the road out of bankruptcy. We believe all interests "will be promoted by an amicable adjustment. If we can be assured that the new board of directors will, in good faith, enter upon their trust, and so manage the road as to keep it out of bankruptcy, or if, in any way, we can be assured the road will be kept out of bankruptcy, we will very gladly accept the interest, and



surrender possession of the road and its property, and will feel we have thereby best subserved the interest of the State, All our hesitancy in this connection hinges on the fear we entertain of compromising the State in the bankrupt court. We are not prepared to say the company may not, by repaying to the State the interest it has paid on the indorsed bonds, repossess itself of the road and its property, under section 8 of the act to establish a system of internal improvements in the State of Alabama. The exercise of that statutory right by the corporation, in such manner as to violate no provision of the bankrupt law, will meet our hearty approval.

We are, very respectfully,

Your obedient servants,

STONE & CLOPTON,  
WATTS & TROY.

A bill to be entitled an act to adjust the claim of the State on the Alabama & Chattanooga railroad on account of indorsed bonds and interest thereon.

Be it enacted by the General Assembly of Alabama, That the governor be, and he is hereby authorized and empowered, whenever in his judgment the interest of the State requires it, to consent on behalf of the State to a sale of the Alabama & Chattanooga railroad, and all the property, real and personal, rights, franchises and privileges, of the Alabama & Chattanooga railroad company embraced in and covered by the first mortgage and trust deed of said company, free and discharged of all lien or claim on behalf of the State, except the lien of said first mortgage and trust deed, and the lien and claim secured to the State by the laws authorizing the indorsement by the State of the first mortgage bonds of said company, and to agree that the purchaser at said sale, on assuming to pay the principal and interest of the bond of said Alabama & Chattanooga railroad, amounting to four million seven hundred and twenty thousand dollars, issued under and secured by said first mortgage and trust deed, shall be subrogated to the rights of the said Alabama & Chattanooga railroad company, under the first mortgage and trust deed, except as hereinafter provided.

SEC. 2. Be it further enacted, That such purchaser shall not be entitled to the possession of said railroad and property, unless he gives bond as hereinafter stated, until he pays into the treasury of the State the amount which the governor shall have paid out as interest on said first mortgage bonds, together with all interest and expenses incurred by the State in paying said interest, and also all costs and expenses incurred

by the State in the seizure of the said Alabama and Chattanooga railroad, and the litigation incident thereto, which shall not have been repaid from the income and profits of said railroad.

SEC. 3. Be it further enacted, That the governor is hereby authorized to appoint three commissioners, who shall audit the accounts of the receiver of said railroad, and all claims against the State for coats and expenses incident to said seizure and litigation, and certify the amount of the same to the auditor of public accounts, and shall ascertain and state the amount to be paid into the treasury by the purchaser of said railroad under section two of this act.

SEC. 4. Be it further enacted, That said commissioners, before entering on the discharge of their duties, shall take the oath prescribed for civil officers in this State, and any vacancy in the board shall be filled by appointment by the governor ; said commissioners must give notice, by publication for thirty days in some newspaper published at the capital, of the time and place when and where they will meet to audit and pass upon all claims against the State, such meeting to be not less than thirty nor more than sixty days after such sale ; said claims against the State must be presented to said commissioners at the time of said meeting, or within thirty days thereafter ; and all claims against the State in any manner arising from the seizure of said railroad, or the litigation incident thereto, not presented to said commissioners within the period aforesaid, and allowed by them, are forever barred.

SEC. 5. Be it further enacted, That it shall be the duty of the attorney general to attend the meetings of said commissioners, and protect the interests of the State and the purchase of said railroad ; and any claimant may appear in person or by attorney. Any party interested may summons witnesses to appear before said commissioners, and the said commissioners or any two of them are vested with all the powers of a circuit court to take testimony or examine witnesses and compel their attendance. Witnesses attending before the commissioners shall be entitled to the same pay and mileage as witnesses attending the circuit court of Montgomery county. "Witness fees and all other costs must be paid by the party at whose instance such costs were incurred.

SEC. 6. Be it further enacted, That said commissioners shall each receive eight dollars per day while actually engaged in the discharge of their duties under this act, and may employ a clerk at not exceeding six dollars per day while actually employed, and may procure necessary stationery. The expenses of the commissioners as authorized by this section

shall be paid out of any moneys in the treasury not otherwise appropriated.

SEC. 7. Be it further enacted, That the auditor shall draw warrants on the treasurer for the payment of all claims certified to him by the commissioners, and not already paid by the State, to be paid out of any money in the treasury not otherwise appropriated.

SEC. 8. Be it further enacted, That the purchaser of said railroad shall pay into the treasury of the State the aggregate amount of the claims and expenditures by the State, certified by the commissioners to the auditor of public accounts, except the expenses of said commissioners. It being the true intent and meaning of this act, that such purchaser shall save the State harmless from all loss or damages on account of the failure of said company to pay the interest on its bonds indorsed by the State, and on account of the seizure of said railroad in consequence thereof.

SEC. 9. Be it further enacted, That the Governor be, and he is hereby required, at the request of such purchaser, to indorse on behalf of the State the bonds of such purchaser for the amount paid by him into the treasury of the State, such bonds to bear interest at eight per cent. per annum, and to be payable, both principal and interest, and in all respects as such first mortgage bonds of the Alabama & Chattanooga Railroad Company ; and said bonds when so indorsed shall constitute a part and parcel of the first mortgage on the said railroad and other property, rights, franchises and privileges embraced in and covered by said first mortgage and trust deed of the Alabama & Chattanooga Railroad Company, and all the provisions of the laws under which said first mortgage bonds were indorsed by the State, are hereby made applicable to the bonds indorsed under this act. It being the true intent and meaning of this act, that said bonds indorsed under this act, together with said four millions seven hundred and twenty thousand dollars of the said first mortgage bonds, shall constitute a lien without deed upon the entire road, right of way, grading, bridges, masonry, iron rails, spikes, chairs, and the whole superstructure and equipments, depots, depot stations, machine shops, and all the property owned and held as incident to or necessary for the business of operating said railroad, or that may hereafter be purchased or acquired for that purpose, and it shall not be lawful for said purchaser or any other person to give, create, or convey any lien, incumbrance, or mortgage of any kind which shall have priority over or come in conflict with the lien created by the indorsement of bonds under this act. And the said lien or mortgage of the State shall have priority, together with the

lien and mortgage of the State to secure its indorsement of said first mortgage bonds, over all other claims existing or to exist against said railroad and other property ; Provided, that before indorsing said bonds under this act, the Governor shall require said purchaser to execute a mortgage and trust deed to three trustees, to be named by the Governor, conveying said railroad and other property, to secure the payment of said bonds, with provisions and stipulations substantially similar to said first mortgage and trust deed of the Alabama & Chattanooga Railroad Company.

SEC. 10. Be it further enacted, That the word purchaser, in this act, shall be construed to mean any person or association of persons, or company, who may become the purchaser of said railroad or other property.

SEC. 11. Be it further enacted, That on said purchaser's entering into bond in the sum of two millions of dollars, payable to the State of Alabama, and with securities resident in this State, to be approved by the Governor, with condition to pay into the treasury of the State the sum required by this act to be paid by him, so soon as the same is ascertained and certified by said commissioners, and to complete and equip said railroad in first class style within twelve months next thereafter, the Governor is authorized and directed to surrender to said purchaser the possession of said railroad and other property embraced in and covered by said first mortgage and trust deed of the Alabama & Chattanooga Railroad Company, and to dismiss all suits or proceedings to foreclose the same.

SEC. 12. Be it further enacted, That the Governor and said commissioners are hereby authorized and empowered to negotiate and effect a settlement of the claim of the State against said Alabama & Chattanooga Railroad Company, arising from its failure to pay interest on its bonds indorsed by the State, and the consequent seizure of the road substantially on the basis herein provided.

SEC. 13. Be it further enacted, That all indorsements of the bonds of the Alabama & Chattanooga Railroad Company, purporting to have been made by the State of Alabama, or the Governor thereof, except said bonds amounting to four millions seven hundred and twenty thousand dollars, are hereby declared to be illegal and void.

SEC. 14. Be it further enacted, That the Governor and said commissioners are hereby authorized and empowered, if, in their judgment, the interests of the State of Alabama require it, to adjust on equitable terms, with the proper authorities of the State of Georgia, the conflicting claims of the State of Alabama and the State of Georgia, growing out of the in-

dorsement of the bonds of the said Alabama & Chattanooga Railroad Company by said States.

SEC. 15. Be it further enacted, That in the event of a sale of the Alabama & Chattanooga Railroad, and of the property, rights, franchises and privileges of the Alabama & Chattanooga Railroad Company, embraced in and covered by the first mortgage and trust deed of said company, under judicial proceedings foreclosing the same, the Governor and said commissioners are hereby authorized to bid for the same, on behalf of the State, to the amount of said first mortgage bonds, to-wit : four millions seven hundred and twenty thousand dollars, and all interest which the State shall have paid thereon, and the amount which the State shall have expended or become liable to pay, by the failure of said company to pay interest on said bonds, and by the seizure of said railroad, and the litigation incident thereto.

By leave—

Mr. Bullock offered the following resolution, which was adopted :

Resolved, That a special committee of five be appointed by the chair, to consider the official report as of the superintendent of public instruction, to report upon the condition of the accounts of the several county superintendents, and to report what legislation may be necessary to secure the prompt payment by the treasury of all warrants which have been or may be issued during the present year for educational purposes.

Messrs. Bullock, Toulmin, Powell, Kennedy and Duskin were appointed the committee.

The House proceeded to consider the message from the governor in relation to the Alabama and Chattanooga railroad.

Mr. Knox moved to lay the message and accompanying communication on the table, and have 1,500 copies printed for the use of the House.

Mr. Carmichael moved to lay the motion on the table ;  
Which was lost.

Mr. Leath moved to amend the motion by striking out " 1,500 " and inserting " 500 ;"

Which was adopted.

Mr. Crook moved to strike out " 500 " and insert " 150 ;"  
Which was laid on the table.

Mr. Boyd moved to strike out " 500 ". and insert " 100 ;"  
Which was laid on the table.

Mr. Boyd moved to postpone the further consideration of the question until 12 o'clock Monday next;

Which was laid on the table.

And the motion of Mr. Knox, as amended, was carried.

On motion of Mr. Alley—

House adjourned till to-morrow morning 10 o'clock.

Yeas 40, nays 31 :

Yeas—Messrs. Speaker, Alley, Appleton, Benson, Box, Bullock, Calloway, Clements, Curtis, Davis, Diggs, Doster, Dozier, Etheridge, Gee, Grayson of Clark, Greene, Hitchcock, Howell, Johnson of Coosa, Johnson of Dallas, King, Lewis, Lumpkin, Miller, Moore, Nininger, Payne, Rice, Smith of Greene, Speake, St. Clair, Speed, Thompson, Toulmin, Tyler, Ware, Weatherford, Wells and Williams—40.

Nays—Messrs. Ashurst, Black, Boyd, Bradford, Bulger, Carlin, Clark, Cochran, Cowan, Craig, Crook, Gaskin, Grayson Madison, Hamilton, Henderson, Henry, Hewitt, Hodo, Knox, Leath, Lindsay, McCall, Mancill, Marlowe, Oates, Perrin, Semmes, Smith of Choctaw, Strauss, Taylor of Lauderdale and Wyman—31.

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#### FORTY-SEVENTH DAY.

FRIDAY, February 2, 1872.

House met pursuant to adjournment.

Prayer by Rev. Mr. Gwin.

Journal of yesterday was read and approved.

By leave—

Mr. Murrah offered the following resolution ;

Resolved, That the chairman of the committee to whom was referred the official reports of the superintendent of public instruction be authorized to employ a clerk, who shall be allowed the same pay as clerks of other committees, for the time he is actually engaged in discharging such clerical duties.

Which was adopted.

Mr. Grayson of Clark, from a special committee, reported favorably to the bill—

For the relief of James F. Aldridge, as executor of the last will and testament of Moses Westbrook, deceased, of Marengo county,

With an amendment, as follows:

By striking out all after the word " confirmed," in the tenth line of section 2, and inserting in lieu thereof the following, to-wit : And that all moneys loaned to each of the heirs and distributees of said estate, who was at the time of such loan of full age, be and the same are hereby ratified, confirmed and made good to said executor, as a credit on the distribu-

tive share of such heir and distributee in the final settlement of the estate.

Mr. Boyd moved to lay the bill on the table ;

Which was carried.

Message from the Senate, by Mr. Whiting:

SENATE CHAMBER,  
Montgomery, Feb. 1, 1872. }

Mr. Speaker :

The Senate has originated and passed bills as follows :

For the protection of holders of lottery tickets or certificates.

To raise a fund for the benefit of the fire companies of the cities of Montgomery, Selma and Eufaula.

To require chancellors to state in writing the grounds upon which their final decrees are rendered.

M. P. BLUE,  
Secretary.

SENATE CHAMBER,  
Montgomery, Feb. 2, 1872. }

Mr. Speaker :

The Senate has originated and adopted joint resolution to congress, asking postal facilities on the river routes on the Tombigbee and Alabama rivers.

M. P. BLUE,  
Secretary.

SENATE CHAMBER,  
Montgomery, Feb 2, 1872. }

Mr. Speaker :

The Senate has originated and adopted joint resolution,

For paying the expenses incurred by the Senate committee for investigation of the condition and management of the Alabama & Chattanooga railroad.

M. P. BLUE,  
Secretary.

Mr. Doster moved to suspend the call of the counties, in order that committees should report ;  
Which was lost.

## CALL OF THE COUNTIES.

Upon the call of the counties the following bills were introduced :

By Mr. Doster —

For the relief of Phoebe McCord, of Autauga county.

By Mr. Payne—

To authorize John G. Waldrop to sell the land belonging to the estate of John Waldrop, deceased, late of Cherokee county ;

Which were severally read a first and second time, under a suspension of the constitutional rule, and referred to the committee on local legislation.

By Mr. Doster—

For the relief of Howard college ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Boyd moved to amend as follows:

Provided, That all the risks so taken shall be for and on behalf of said Howard college ;

Which was adopted.

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

By Mr. Doster—

To amend an act to supply justices of the peace and notaries public with forms, approved March 1, 1871 ;

Which was read a first time, and ordered to a second reading.

By Mr. Black—

To repeal an act entitled an act to amend section 10 of an act to incorporate the city of Eufaula ;

Which was read a first and second time, under a suspension of the constitutional rule. and referred to the committee on corporations.

By Mr. Smitherman—

To authorize Jackson Gardner, judge of probate for Bibb county, Alabama, to entertain jurisdiction of the estate of James W. Latham, deceased ;

Which was read a first and second time, under a suspension of the constitutional rules and referred to a special committee of three, as follows :

Messrs. Smitherman, Box and Kennedy.

By Mr. Crook—

26h



To authorize the corporate authorities of the town of Oxford to engage in works of internal improvements ;

Which was read a first and second time, under a suspension of the constitutional rule, and referred to the committee on internal improvements.

By Mr. Crook—

To amend section 810 of the Revised Code ;

Which was read a first and second time, under a suspension of the constitutional rule, and referred to the committee on revision of laws.

By Mr. White—

To suppress public violations of the Sabbath day ;

Which was read a first and second time, under a suspension of the constitutional rule,

Mr. Oates moved to lay the bill on the table.

Mr. Lowe moved the following amendment :

Provided, That the president and board of directors of railroad companies chartered by this State shall attend public worship at least twice on each Sabbath day ;

Which was adopted.

Mr. Oates moved to lay the bill and amendment on the table ;

Which was carried.

By Mr. Howell—

To repeal an act to suppress murder, lynching and assaults and batteries, approved December 28, 1868, so far as relates to the counties of Cleburne, Fayette, Sanford and Lawrence.

Mr. Smith of Choctaw moved to add Choctaw county ;

Which was lost ;

And the bill read three times, under a suspension of the constitutional rule, and passed.

By Mr. Smith of Choctaw—

For the relief of William J. Gilmore, of Choctaw county, and the sureties on his official bond ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on education.

#### SPECIAL COMMITTEE.

Mr. Smith of Choctaw, from a special committee, reported favorably to the bill—

To authorize Warren Bailey, of Choctaw county, to erect gates across a public highway ;

Which was read a third time, under a suspension of the constitutional rule, and passed.

By Mr. Moore—

For the relief Lavinia Miller, of Coffee county.

Also—

To fix the distance for which mileage shall be allowed for Geneva county.

Which were severally read twice, under a suspension of the constitutional rule, and ordered to a third reading.

By Mr. Moore—

For the relief of certain teachers of Coffee county.

Also,

To regulate the finances to the State.

By Mr. Marlowe—

To encourage industrial and agricultural fairs and associations.

Also,

To provide copies of the journals of the two houses and the laws of the present session for the public printer.

Also,

To appropriate six hundred dollars for the distribution of the acts and journals of the general assembly.

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means.

By Mr. Moore—

To aid in preserving the purity of the ballot box ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on public roads and highways.

By Mr. Johnson of Coosa—

To provide an additional term of the chancery court in the first district of the middle division, composed of the county of Coosa.

Also,

For the relief of James Vansandt, of Coosa county ;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

By Mr. Moore—

For the relief of Melissa A. Smith, of Montgomery county ;

Which was read twice, under a suspension to the constitutional rule, to which various amendments were offered, and the bill referred to the committee on local legislation.

By Mr. Johnson of Dallas—

To amend section 7 of an act to establish a new charter for the city of Selma;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on corporations.

By Mr. Marlowe—

For the relief of the Central Agricultural and Mechanical association;

Which was read twice, under a suspension of the constitutional rule.

Mr. Knox moved to amend by including the name of the Alabama Agricultural and Mechanical association

Which was adopted.

Mr. Bullock moved to amend by including the Agricultural and Mechanical association of West Alabama ;

Which was adopted.

Mr. Steele moved to amend, by including the Tennessee agricultural and mechanical association ;

Which was adopted ;

And the bill was referred to the committee on ways and means.

By Mr. Marlowe—

To exempt certain persons from service as jurors.

Also,

Relative to the duties of notaries public.

Also—

For the protection of fruit;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

Message from the Governor, by his private secretary, Mr. Chardavoyne :

Mr. Speaker :

I am directed by the Governor to inform you that he has approved the following acts originating in the House of Representatives, viz :

Joint resolution—

On the subject of swamp and overflowed lands.

Joint resolution—

To provide for the payment of expenses incurred by a member of the committee appointed by the House of Representatives, at the last session of the general assembly, to

visit the Alabama institution for the deaf and dumb and the blind, and the freedman's hospital, at Talladega.

To authorize the governor to issue a patent to A. A. Hewlett, for sixteenth section, township 9, range 4, west, in Winston county.

To put in force certain provisions of the Revised Code relating to publication of legal and other notices.

To restrict the sale of personal property in certain cases.

To incorporate the town of Gordon, in Henry county.

For the relief of Benjamin Patrick, a citizen of Alabama, residing in the city of Mobile.

To incorporate the town of Dayton, in Marengo county.

To authorize the court of county commissioners of Pickens county to issue bonds for county purposes.

To repeal an act to consolidate the funds to fines and forfeitures and general fund of the county of Sumter, approved March 1, 1870.

To amend section 3046 of the Revised Code.

To regulate the assessing of the poll tax in the counties of Henry and Greene, Russell and Madison.

To amend an act entitled an act to incorporate the female institute of the Tennessee annual conference of the Methodist Episcopal church, at Athens, Alabama.

For the relief of Messrs. Graham & Abercrombie and George W. Gunn.

To provide an additional term of the chancery court for the third district of the eastern chancery division, composed of the county of Randolph.

To fix the time to holding the courts in the 6th judicial circuit.

To repeal an act for the relief of certain school officers, so far as it applies to the county of Washington.

To allow coroners mileage.

To provide an additional term of the chancery court for the 8th district of the middle chancery division, composed of the county of Bibb.

To remove the administration of the estate of Sydenham Moore; deceased, from the probate court of Greene county into the probate court of Mobile county,

To repeal an act entitled an act to regulate the publication of legal notices in the counties of Blount, Talladega, Coosa and Tallapoosa, approved March 8, 1871, and to repeal an act to amend an act entitled an act to regulate the publication of legal and other notices in the State of Alabama, ap-

proved October 10, 1868, so far as relates to the county of Tallapoosa.

To incorporate the J. H. Clanton Hook and Ladder company No. 1 of Union Springs, Alabama.

To declare Persimmon creek, in Butler county, a public highway.

To amend section 3 of an act entitled an act to incorporate the Gulf City Insurance company.

To prohibit the selling of vinous or spirituous liquors within two miles of Fairmont church and the Adkinson school, in the county of Covington.

To remove the administration of the estate of James W. Powers, deceased, from the county of Wilcox to the county of Butler.

To provide for the payment of juries of inquest summoned by coroners.

For the relief of Mrs. Catherine Norton.

To repeal subdivisions one and four of section 957 of the Revised Code.

To extend the time for assessing the taxes in Morgan county.

To fix the time of holding the circuit court in Baldwin county.

To fix the time of holding the chancery court for the first district of the western chancery division.

W. V. CHARDAVOYNE,  
Secretary.

Mr. Toulmin, from special committee, reported favorably to the bill—

To encourage immigration into this State ;

Which was read a third time, under suspension of the constitutional rule.

Mr. Oates moved to postpone the further consideration of the bill, and make it the special order for Tuesday next.

Mr. Greene moved to reconsider the vote by which the constitutional rule was suspended ;

And the bill was ordered to a third reading.

Pending which,

On motion of Mr. Clements—

The House adjourned until to-morrow morning 10 o'clock.

## FORTY EIGHTH DAY.

SATURDAY, February 3, 1872.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Gwin.

The journal of yesterday was read and approved.

By leave, Mr. Benson introduced a bill—

Requiring the sureties of the official bonds of the county officers of Elmore county to reside in said county.

Which was read three times, under a suspension of the constitutional rule, and passed.

## WAYS AND MEANS.

Mr. Oates, from the committee on ways and means, reported favorably to the bill—

To regulate the mode of taking and approving official bonds of county officers ;

Which was ordered to a third reading.

Also, from the same committee, reported favorably to the bill—

For the relief of the Montgomery female seminary, of which Miss Emily Littlepage is principal ;

Which was read three times, under a suspension of the constitutional rule, and lost.

Also, from the same committee, favorably to the bill—

To establish additional revenue laws for the State of Alabama, with the following amendment:

"Provided, the foregoing provisions shall apply alone to Dallas county";

Which was adopted ;

And the bill read a third time, under suspension of the constitutional rule, and passed.

Also, from same committee, favorably to the bills—

To restrain the tax collector of Barbour county from collecting excessive tax from William P., John C., and Henry C. Copeland, for the year 1871.

And for the relief of Charles Burris, of the county of Barbour ; with an amendment by way of substitute for both bills ;

Which was adopted.

Mr. Hewitt moved to lay the bill on the table

Which was lost.

Yeas 29, nays 42,

Yeas—Messrs. Speaker, Alley, Appleton, Ashurst, Benson, Bulger, Clements, Cowan, Gee, Gilchrist, Graham, Gunn, Hewitt, Hitchcock, Johnson of Coosa, Leath, Lewis, Lindsay, Mancil, Miller, Moore, Semmes, Speake, Taylor of Lauderdale, Taylor of Winston, Toulmin, Weatherford, Wells and White—29.

Nays—Messrs. Black, Boyd, Bullock, Carmichael, Coleman, Craig, Curtis, Diggs, Doster, Dozier, Drake, Dustan, Etheridge, Gaskin, Grayson of Clarke, Grayson of Madison, Hamilton, Haralson, Henry, Hodo, Holmes of Sumter, Howell, Johnson of Dallas, Kennedy, King, Knox, Lowe, Lumpkin, Marlowe, Murrah, Nininger, Oates, Smith of Sumter, Smith of Greene, Smitherman, St. Clair, Steele, Thompson, Ware and Williams—42.

And bill was ordered to a third reading.

#### TENURE OF OFFICE OF MEMBERS OF GENERAL ASSEMBLY.

By leave, Mr. Boyd offered the following preamble and resolution:

Whereas, doubts have been expressed in certain quarters, as to the tenure of office of the members of the Senate and House of Representatives ; and whereas, the Senate of this State has adopted a resolution, requesting an expression of opinion from the judges of the supreme court in relation thereto ; therefore,

Be it resolved by the House of Representatives, (the Senate concurring,) that the term of office of, the members of this General Assembly expires on Tuesday after the first Monday in November, 1872,

Be it further resolved, That any attempt by the members of this General Assembly to perpetuate themselves in office is a gross violation of the rights of the people, and a wanton usurpation, revolutionary and dangerous in character, which should be sternly rebuked by every lover of his country.

Which were adopted;

Yeas 83, nays 0.

Yeas—Messrs. Speaker, Alley, Appleton, Ashurst, Benson, Black, Boyd, Bulger, Bullock, Calloway, Carlin, Carmichael, Clements, Cocharn, Coleman, Cowan, Craig, Crook, Curtis, Davis, Diggs, Doster, Dozier, Drake, Duskin, Etheridge, Gaskin, Gee, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Green, Gunn, Hamilton, Haralson, Henry, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Howell, Johnson of

Coosa, Johnson of Dallas, Kennedy, King, Knox, Leath, Lewis, Lindsay, Lowe, Lumpkin, McCall, McCaskey, Mancill, Marlowe, Miller, Moore, Murrah, Nininger, Oates, Payne, Perrin, Powell, Rice, Semmes, Smith of Choctaw, Smith of Sumter, Smith of Greene, Smitherman, Speake, St. Clair, Steele, Taylor of Lauderdale, Taylor of Winston, Thompson, Toulmin, Ware, Weatherford, Wells and Wyman—83.

Message from the Senate, by Mr. Whiting :

SENATE CHAMBER,  
February 3, 1872. }

Mr. Speaker:

The Senate has passed House bills as follows :

To prevent the sale of spirituous liquors within two miles of Mulberry College, Blount county.

To amend an act to prevent the selling of liquors within four miles of Mount Zion, New Lebamon, Providence and Fair Prospect churches, in Montgomery county.

To prevent the selling of vinous or spirituous liquors within one mile of Soule Chapel, in the county of Chambers.

To prohibit the sale of spirituous or intoxicating liquors within three miles of the academy, Baptist and Methodist churches at Helicon.

To accommodate the voters in elections for members of the commissioners court of Coffee county.

To amend an act changing the name of Laura Terry, of Geneva county.

To incorporate the town of Spring Hill, in the county of Pike.

To incorporate the town of Abbeville, in the county of Henry.

To authorize and empower Daniel McClellan to convey by deed, to Charles A. Ingram, certain lands in the county of Henry.

To validify a sale of certain lands in the county of Henry.

To authorize Isaac M. Johnson, guardian of John A. Lowe and William A. Lowe, to sell the lands belonging to his said wards, without making application, proof, and obtaining an order of sale.

To authorize W. E. Head, administrator de bonis non of W. P. Faulkner, to sell the land of the estate without an order of court.

To repeal an act to register and pay the debt of Sumter county, approved March 1, 1870.

To authorize Theophilus S. and George H. Fontaine, or



either of them, citizens of Georgia, to qualify as executors of the estate of B. B. Fontaine, deceased.

To remove the administration of the estates of James S. H. and Andrew S. Davis, deceased from the county of Butler to the county of Crenshaw.

To require the corporate authorities of Troy to make and publish a statement of the amounts collected and paid out by their authority.

To authorize the commissioners court of Jackson county to levy a special tax from year to year to pay off the indebtedness of said county.

To repeal section 4 of an act to establish and incorporate a male and female academy, at Rehoboth in the county of Wilcox, approved February 9, 1852.

To incorporate the Protection Hook and Ladder Company No. 1, of Selma.

To prohibit the sale, giving away, or otherwise dealing in spirituous vinous or malt liquors within three miles of " New Cubahatchie" Baptist church, in Macon county.

To prohibit retailing vinous, spirituous and malt liquors within two miles of the court house at Grove Hill, in Clarke county.

To prohibit dealing in vinous, spirituous and malt liquors within two miles of Salem church, in Clarke county.

To prohibit the sale or otherwise disposing of spirituous, vinous or malt liquors within one mile of Antioch Baptist church, in St. Clair county.

To prohibit the sale of vinous, spirituous or malt liquors within one mile of Spring Hill academy, in Pickens county.

To prohibit the sale of spirituous or vinous liquors within one mile of Camp Hill church, in Tallapoosa county.

To prevent the sale of spirituous or vinous liquors within two miles of Black Jack church, in Bibb county.

To prohibit the sale of spirituous or vinous liquors within three miles of Pleasant Site church, in Franklin county.

To protect the owners of oyster beds in the tide waters of Alabama.

For the relief of Elizabeth Parish, wife of James L. Parish, of the city of Montgomery.

For the relief of Howard college.

To exempt from administration property of decedents, and vest titles in the widow, or child or children.

And has adopted House joint memorial—

To the congress of the United States for a grant of the public lands along the route of the Decatur and Aberdeen railroad in aid of the construction of said road, and also of a branch of the same to the city of Columbus, Mississippi.

And amended, as therein shown, and passed House bills as follows :

To prohibit the sale of spirituous, vinous or malt liquors within two miles of Kennedale cotton mills, in Tuscaloosa county.

To prohibit the sale of spirituous or vinous liquors within three miles of the Methodist Episcopal church, at Warrior Stand, Macon county.

To prevent the selling of liquors within four miles of Bethsaida and Hopewell churches, in the county of Montgomery.

To increase the pay of witnesses in attendance upon all courts in Greene county, except justices courts.

To prevent the sale of spirituous liquors within two miles of Charcoan church, in Sumter county.

To prohibit the sale of spirituous liquors within two miles of Cedar Hill church. in Cherokee county.

To prohibit the sale of vinous or spirituous liquors within two miles of Town Creek church, in Dallas county.

M. P. BLUE,  
Secretary.

#### LEAVE OF ABSENCE.

Leave of absence was granted Mr. Lumpkin and Mr. Rice.

#### INTERNAL IMPROVEMENTS.

Mr. Lowe, from the committee on internal improvements, reported favorably to the bill—

To amend an act entitled an act to amend section 11 of an act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction to railroads within the State.

Mr. Calloway moved to amend by proviso, as follows:

Provided, That if the Vicksburg & Brunswick Road is not completed from Troy to Greenville via Rutledge, within two years from the approval of this act, said Selma & Gulf Railroad shall extend its said road from Greenville via Rutledge to Troy, which shall be the point of intersection (which by its charter it has the right to make) with the Mobile & Girard Railroad, upon the same terms, restrictions, immunities, rights and liabilities in every respect which may be possessed or enjoyed by said road to Greenville.

Provided further, That said road need not commence the construction of its road from Greenville until the expiration of the two years herein before named in this proviso;

Which was adopted ;

And the bill read a third time, under a suspension of the constitutional rule, and the question being on the passage of the bill, the vote stood—

Yeas 60, nays 17.

Yeas—Messrs. Speaker, Appleton, Ashurst, Benson, Black, Boyd, Bullock, Callaway, Carmichael, Cochran, Coleman, Craig, Curtis, Davis, Diggs, Dozier, Dustan, Etheridge, Gaskin, Gee, Graham, Grayson of Clarke, Green, Gunn, Haralson, Henry, Hitchcock, Howell, Johnson of Coosa, Johnson of Dallas, Kennedy, King, Knox, Leath, Lindsay, Lowe, Lumpkin, McCaskey, Mancill, Marlowe, Miller, Moore, Nininger, Oates, Payne, Perrin, Powell, Rice, Smith of Greene, Speake, St. Clair, Steele, Taylor of Winston, Thompson, Ware, Weatherford, Wells, White, Williams and Wyman—60.

Nays—Messrs. Alley, Box, Bulger, Carlin, Clements. Cowan, Crook, Drake, Hewitt, Hodo, Holmes of Sumter, Lewis, McCall, Murrah, Smith of Sumter, Smitherman and Toulmin—17.

The Speaker declared the bill lost, two-thirds of all the members of the House (67) not voting in favor of the passage of the bill.

Mr. Powell appealed from the decision of the chair, and the question being, shall the decision of the chair be the decision of the House ? It was put, and the decision of Mr. Speaker was not sustained.

Mr. Leath moved to reconsider the vote taken on the passage of the bill;

Pending the consideration of which, on motion of Mr. Semmes,

The House adjourned until 10 o'clock Monday morning.

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#### FORTY-NINTH DAY.

MONDAY, February 5, 1872.

The House met pursuant to adjournment.

Prayer by Rev. Samuel Henderson.

The journal of Saturday was read and approved.

On motion of Mr. Oates—

The call of the counties was suspended to allow the com-

mittee on internal improvements to make a report, whereupon

Mr. Lowe, from the committee on internal improvements, reported favorably to the bill—

To require the endorsement by the State of Alabama of the first mortgage bonds of the Eufaula, Abbeville & Gulf Railroad Company, with an amendment as follows :

Add, after the words "State of Alabama," next before the first proviso, the following : "And until a branch of said road from some convenient point upon the main line is completed through the counties of Dale, Coffee and Covington, in the direction of Mobile. Upon the finishing, equipping and completion of each section of five miles of which, the Governor is hereby required to endorse the first mortgage bonds of said company at the rate and upon the conditions aforesaid."

The consideration of the bill was postponed and made the special order for to-morrow at 12 o'clock.

#### LEAVE OF ABSENCE.

Leave of absence was granted Messrs. Dozier and Graham for two days.

Leave was granted the special committee of take the testimony in the case of alleged official misconduct of Hon, John Elliott, to sit during the session of the House until the hour of twelve.

#### CALL OF THE COUNTIES.

Upon a call of the counties, the following bills were introduced—

By Mr. Haralson—

To define and punish disorderly conduct.

Also—

To amend section 3 of an act to establish a criminal court for the county of Dallas.

By Mr. Cochran—

In relation to the recording of lost deeds.

By Mr. Steele—

To confer additional powers on the chancery courts in this State.

By Mr. Oates—

To repeal section 3519 of the Revised Code.

To extend the attachment law for rent.

By Mr. Alley—

To declare void certain agreements therein mentioned.

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

By Mr. Harralson—

For the relief of Martha Williams, widow of Hardy Williams, deceased.

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on accounts and claims.

By Mr. Marlowe—

To restrain diseased animals from running at large.

By Mr. Gilchrist—

For the protection of game in Lawrence county.

Also—

For the protection of fish in the Tennessee river.

By Mr. Gaskin—

To repeal an act for the protection of plantations and lands against the depredations of stock in Lowndes county ;

Which were severally read twice, under suspension of the constitutional rule, and referred to the committee on agriculture.

By Mr. Bullock—

To require all persons who sell liquors to pay the same license tax that is or may be required by law of wholesale liquor dealers.

By Mr. Oates—

To exempt all transcripts and other papers used in making out claims, &c., from stamp tax on State and county seals.

Also—

To amend section 7 of an act to relieve and regulate the finances of the State.

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means.

By Mr. Bullock—

To amend section 3932 of the Revised Code.

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on revision of the laws.

By Mr. Appleton—

To establish a new charter for the town of Gadsden, in Etowah county.

By Mr. Smith of Greene—

To repeal "an act to suppress murder, lynching and assaults and batteries," as act as the same relates to Greene county.

Also—

For the relief of the Pleasant Ridge Female Institute of Greene county.

Also—

To repeal "an act to suppress murder, lynching and assaults, and batteries," approved December 28, 1868, so far as the same relates to Choctaw county.

By Mr. Oates—

To fix the time for the trial of criminal cases in the circuit court of Barbour county.

Also—

To amend section 117 of "an act to establish revenue laws for the State of Alabama," approved December 31, 1868, so far as the same applies to the county of Henry.

By Mr. Crook—

To repeal "an act to suppress murder, lynching and assaults and batteries," so far as the same relates to Calhoun county.

By Mr. Hewitt—

To prescribe the time when the criminal docket shall be taken up in the counties of Walker, Fayette, Marion, Sanford and Winston.

By Mr. Nininger—

To prohibit the sale of liquors within one mile and a half of the male and female academy of Sandy Ridge, Lowndes county.

By Mr. Lowe—

To authorize Ann Eliza M. James, wife of Archer Bowling James of Madison county, to mortgage her separate estate in said county for the purpose of borrowing money.

Which were severally read three times, under a suspension of the constitutional rule, and passed.

By Mr. Hurst—

For the relief of Thomas Wilson, in the county of Jackson.

By Mr. St. Clair—

To prevent the sale of liquors within two miles of Franklin Methodist church, in Macon county.

Also,

To prohibit the sale of spirituous liquors within three miles of Cowles' Station, in Macon county.

Also,

To prohibit the sale of liquors within two miles of Clear Spring church, in Macon county.

Also,

To prohibit the sale of liquors within two miles of Sweet Gum Methodist church, in Macon county ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on local legislation.

Mr. Oates presented a petition from the laborers and track hands on the Alabama and Chattanooga railroad ;

Which was referred to a special committee of five as follows:

Messrs. Oates, Knox, Bullock, Lowe and Semmes.

By Mr. Lowe—

To authorize the Memphis and Charleston railroad company to issue additional bonds to be known as consolidated bonds, and to be secured by mortgage upon the property of said company ;

Which was read twice, under a suspension of the constitutional rule, and made special order for to-morrow at 11 o'clock.

Message from the Senate by Mr. Dereen :

SENATE CHAMBER,  
Montgomery, February 5, 1872. }

Mr. Speaker :

The Senate refuses to concur in the House amendment to Senate bill—

To repeal sections 3931, 3935, 3936, 3937, 3938 and 3939, of the Revised Code, so far as they relate to the counties of Covington and Marengo.

And has originated and adopted joint resolution herewith transmitted.

And has also adopted joint resolution to authorize the governor to appoint commissioners to represent the State of Alabama in the agricultural convention to be held in the city of Washington, February 15, 1872.

M. P. BLUE.

Secretary.

## SPECIAL COMMITTEE.

Mr. Grayson of Clarke, from a special committee, reported favorably to the bill—

For the relief of the estate of Isaac Winston, sr., late of Franklin county;

With an amendment, by way of a substitute, which was adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. Oates, from special committee, reported favorably to the bill—

To create a new judicial circuit, to be known and designated as the 13th judicial circuit of Alabama;

And the bill was ordered to a third reading.

Also, from special committee, reported adversely to the bill—

To regulate the insurance business in the State of Alabama ;

The report was concurred in.

Also, from a special committee, reported favorably to the bill—

To regulate the business of insurance in this State ;

With the following amendments :

1. In section 6, strike out the words " five hundred " in the 6th line ; strike out the word "two" in line 8th, and insert the word "one ; strike out the words " eighteen hundred dollars for the first clerk and," and "for the second clerk;" strike out all of said section that pertains to the appointment and qualifications of a deputy.

Strike out the words "or deputy commissioner" in section 7.

Amend sections 42 and 43, by adding "such tax to be paid into the State treasury."

In section 49, strike out the words " fifteen thousand" and insert "not less than ten thousand, nor more than fifty thousand, the amount of each company's deposit to be determined by the commissioner of insurance."

Also, by additional section to be numbered section 67 ;

The amendments were severally adopted ;

And the bill ordered to a third reading.

Also, from special committee, reported favorably to the Senate bill—

To reorganize the 8th judicial circuit of Alabama;

And the bill was ordered to a third reading.



By leave, Mr. Oates offered the following resolution ;  
Which was adopted :

Resolved, That the auditor be, and he is hereby instructed, to communicate to this House as early as practicable, how and by what authority, on whose order and under what laws, he drew his warrants on the treasurer during the fiscal year ending 30th of September, 1871, for the following amounts, as set forth in the treasurer's report, to-wit :

For pay of clerks in executive department.....	\$ 3,706 66
For same in auditor's department.....	3,324 99
For same in secretary of State's office.....	1,435 00
For same in treasury department.....	1,645 87
For watchmen at capitol.....	1,605 00
For messengers at capitol.....	470 00
For servants at the capitol....	1,203 07

On motion of Mr. Lowe—

The vote had on yesterday on the passage of the bill—

For the relief of the Montgomery Female College, of which Mrs. Emily Littlepage is principal ;

Was reconsidered.

As was also, the vote by which the constitutional rule was suspended, and the bill ordered to a third reading forthwith.

Mr. Leath moved to amend, by inserting the name of Miss Sallie Fort of Montgomery.

Mr. Gunn moved to lay the bill on the table.

Which was lost.

Yeas 9, nays 64.

Yeas—Messrs. Alley, Cowan, Crook, Ellison, Grayson of Madison, Gunn, McDermott, Miller and Semmes—9.

Nays—Messrs. Speaker, Ashurst, Benson, Box, Boyd, Bulger, Bullock, Carlin, Clements, Cochran, Coleman, Craig, Curtis, Davis, Diggs, Drake, Etheridge, Gaskin, Gee, Gilchrist, Grayson of Clark, Hamilton, Haralson, Henderson, Henry, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, Kennedy, King, Leath, Lowe, McCaskey, Marlowe, Moore, Murrah, Nininger, Oates, Payne, Perrin, Powell, Raisler, Smith of Choctaw, Smith of Greene, Smitherman, Speake, St. Clair, Steele, Speed, Strauss, Taylor of Lauderdale, Taylor of Winston, Thompson, Ware, Weatherford, Wells, White and Wyman—64.

Mr. White moved to lay Mr. Leath's amendment on the table ;

Which was carried.

Mr. Henry moved to amend as follows :

That the relief hereby granted, shall cease when the ownership passes out of the hands of the party upon whom said relief is conferred.

Which, on motion of Mr. Boyd, was laid on the table.

Mr. Crook moved to amend by inserting the name of Mrs. Thos. G. Chilton of Montgomery ;

Which on motion of Mr. Boyd, was laid on the table.

Mr. Powell moved to amend, by adding " all the widows of soldiers whose husbands lost their lives in the Confederate army ;"

Which was laid on the table.

Mr. Leath moved to amend, by adding "that all buildings used for school purposes, be exempt from taxation, so long as the same are used for that purpose ;"

Which, on motion of Mr. Boyd, was laid on the table.

Mr. Hamilton moved to amend as follows :

" The homestead of all the widows in the State be exempted from taxation, where the same is not worth more than five hundred dollars."

On motion of Mr. Boyd—

The amendment was laid on the table.

Mr. Ellison moved to postpone the further consideration of the bill until the 15th inst.

Mr. Speaker ruler' the motion out of order, for the reason that the time mentioned was beyond the probable duration of the session.

Mr. Gunn moved to amend by adding "all the school houses in the State."

#### SPECIAL ORDER.

The hour of 12 o'clock having arrived, Mr. Speaker announced that the special order was the investigation of the charges for alleged official misconduct on the part of John Elliott, judge of the sixth judicial circuit.

Mr. Boyd moved to postpone the consideration of the special order for the purpose of further considering the bill pending when the hour of 12 o'clock arrived ;

Which was lost.

And the House proceeded to consider the matter of Hon. John Elliott.

Hon John Elliott, with his counsel, W. W. D. Turner and John A. Elmore, appeared within the bar of the House ;

Whereupon, Mr. Smith of Sumter, from the special committee to take testimony in the case, made the following report:

Mr. Speaker :

The undersigned, to whom was assigned the duty of taking testimony for the defendant in the matter of the address to his excellency the governor, for the removal from office of Hon. John Elliott, judge of the sixth judicial circuit of Alabama, would respectfully report that they have superintended the examination of six witnesses for the defendant, whose testimony, in writing, signed by each to them, is herewith submitted.

Three other witnesses are in attendance, whose testimony your committee has been unable to take, by reason of a want of time.

All of which is respectfully submitted.

E. W. SMITHERMAN, Ch'm'n,

J. M. CARMICHAEL.

Mr. Boyd offered the following resolution :

Resolved, That Judge Elliott be required to make a written statement, under oath, as to what he expects to prove by the absent witnesses, by to-morrow 12 o'clock ;

Which was adopted.

And Judge Elliott and his counsel retired from the bar of the House.

On motion of Mr. Oates—

The regular order of business was suspended for the purpose of considering the Senate joint resolution—

For paying the expenses incurred by the Senate committee for investigation of the condition and management of the Alabama & Chattanooga railroad,

The resolution was read twice, under a suspension of the constitutional rule, and referred to the committee on appropriations.

The House proceeded to the consideration of the

#### GENERAL ORDERS.

The bill—

To amend section 2371 of the Revised Code ;

Having been read a third time, the question being on the passage of the bill.

Pending consideration of which—

On motion of Mr. Boyd—

The House adjourned until to-morrow morning 10 o'clock.

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FIFTIETH DAY.

TUESDAY, February 6, 1872.

The House met pursuant to adjournment

Prayer by Rev. Mr. Kinzer.

The journal of yesterday was read and approved.

Mr. Speaker laid before the House a communication from the auditor, in response to a resolution of the House, adopted on yesterday ;

Which was referred to the committee on ways and means.

SPECIAL COMMITTEE.

Mr. Carmichael, from a special committee, reported favorably to the bill—

To fix the time and place of holding the chancery court in the 9th and 11th districts of the eastern chancery division of Alabama ;

With an amendment by way of substitute ;

Which was adopted.

And the bill was read a third time, and passed.

ENROLLED BILLS.

Mr. Powell, from the committee on enrolled bills, reported the following as correctly enrolled :

To prohibit the sale of vinous or spirituous liquors within one mile of Spring Hill academy, in Pickens county.

To prohibit the sale of liquors within one mile of Camp Hill church, in Tallapoosa county.

To exempt from administration property of decedents, and vest titles in the widow or child or children.

For the benefit of Howard college.

To repeal section 4 of an act to establish and incorporate a male and female academy at Rehoboth, in the county of Wilcox, approved February 9, 1852.

To authorize the commissioners court of Jackson county to

levy a special tax, from year to year, to pay off the indebtedness of said county.

To validify a sale of certain lands in the county of Henry.

To authorize Theophilus S. and G. H. Fontaine, or either of them, citizens of Georgia, to qualify as executors of the estate of B. B. Fontaine, deceased.

To repeal an act to register and pay the debts of Sumter county, approved March 1, 1870.

To prevent the sale of liquors within one mile of Soule chapel, in Chambers county.

To prohibit the sale of liquors within three miles of the Academy and Baptist and Methodist churches at Helicon.

To authorize and empower Daniel McClellan to convey by deed to Charles A. Ingram certain lands in the county of Henry.

To accommodate the voters in elections for members of the commissioners court of Coffee county.

To authorize Isaac M. Johnson, guardian of John A. Lowe, and Wm. A. Lowe, to sell the lands belonging to his said wards without making application, proof and obtaining an order of sale.

To amend an act changing the name of Laura Terry of Geneva county.

To protect oyster beds in the tide waters of Alabama.

To prohibit the sale of vinous or spirituous liquors within one mile of Antioch Baptist church, in St. Clair county.

To prohibit dealing in liquors within two miles of Salem church, in Clarke county.

To prohibit the sale of liquors within two miles of the courthouse at Grove Hill, in Clarke county.

To incorporate the Protection Hook and Ladder company No. 1, of Selma.

To prevent the sale of spirituous liquors within two miles of Black Jack church, in Bibb county.

To require the corporate authorities of Troy to make public a statement of the amounts collected and paid out by their authority.

For the relief of Elizabeth Parish, wife of James L. Parish, of the city of Montgomery.

To prohibit the sale of liquors within three miles of Pleasant Site church, in Franklin county.

To prohibit the sale of liquors within three miles of New Cubahatchie church, in Macon county,

Messages from the Senate, by Mr. Whiting :

SENATE CHAMBER,  
February 6, 1872. }  
Mr. Speaker:

The Senate has originated and passed bills as follows:

To provide books and stationery for sheriffs.

To authorize A. J. Henderson, administrator of the estate of Stephen D. Smilie, deceased, late of Pike county, to sell at public or private sale the city lots belonging to said estate, within the corporate limits of the city of Troy, in said county.

And has amended as therein shown, and passed, House bill—

To prevent the sale of vinous and spirituous liquors within two and a-half miles of Bradford Chapel church, in Macon county.

M. P. BLUE,  
Secretary.

SENATE CHAMBER,  
February 6, 1872. }  
Mr. Speaker :

The Senate has originated and passed bill as follows.

To change the seat of justice in Escambia county.

An act supplementary to the laws relating to life insurance companies not chartered by the State, and doing business in it.

M. P. BLUE,  
Secretary.

Mr. Wyman, by leave, offered the following resolution :

Resolved, That this House do now go into committee of the whole on the Alabama and Chattanooga railroad.

Mr. Oates moved to lay the resolution on the table ;

Which was lost —Yeas 33, nays 38.

Yeas—Messrs. Ashurst, Benson, Boyd, Carmichael, Coleman, Cowan, Craig, Davis, Diggs, Dozier, Dustan, Etheridge, Gaskin, Grayson of Madison, Haralson, Henderson, Johnson of Coosa, Johnson of Dallas, Lowe, McCall, McCaskey, Moore, Oates, Payne, Perrin, Semmes, Speed, Taylor of Winston, Thompson, Tyler, Ware and Wells—33.

Nays—Messrs. Speaker, Appleton, Black, Box, Bulger

Bullock, Calloway, Clements, Crook, Curtis, Gee, Gilchrist, Grayson of Clarke, Gunn, Hamilton, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Kennedy, Lindsay, Miller, Murrah, Nininger, Powell, Raisler, Smith of Choctaw, Smith of Greene, Smitherman, Speake, St. Clair, Steele, Strauss, Weatherford, Williams and Wyman—3.

Mr. Boyd moved to postpone the further consideration of the resolution until 12 m., to-morrow ;

Which was carried.

The House proceeded to consider Senate messages.

The House concurred in the Senate amendments to the following House bills:

To prohibit the sale of liquors within two miles of Cedar Hill church, in Cherokee county.

To prevent the sale of liquors within two miles of Charcoan church, in Sumter county.

To prevent the sale of liquors within four miles of Bethsaida church and Hopewell church, in the county of Montgomery.

To amend the charter of the city of Talladega, and to confer additional powers on the mayor and aldermen of said city.

To prohibit the sale of spirituous liquors within three miles of the Methodist Episcopal church at Warrior Stand, Macon county,

To increase the pay of witnesses in attendance upon all courts in Greene county, except justices' courts.

#### SPECIAL ORDER.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the special order, it being the bill—

To authorize the Memphis and Charleston railroad company to issue additional bonds, to be known as consolidated bonds, and to be secured by mortgage upon the property of said company ;

Which was read a third time, under a suspension of the constitutional rule, and passed.

#### WAYS AND MEANS.

Mr. Oates, from the committee on ways and means, to which was referred—

The memorial of the Tallassee Manufacturing. Company No. 1,

Reported a substitute—

Bill for the relief of the Tallassee Manufacturing Company ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to the Senate bill—

To refund to Barbour county certain amounts of money erroneously allowed from the county tax;

Which was read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, adversely to the bill—

To prohibit the sale of lottery tickets to minors.

The House refused to concur in the report.

Mr. Bradford moved to strike out the word " minors," and insert the word " persons ;"

Which was laid on the table.

Mr. Hewitt moved to amend by including charters of any other State;

Which was adopted,

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, adversely to the bill—

For the relief of the Methodist Episcopal church at Prattville ;

Which was not concurred in.

Mr. Oates moved to amend by way of substitute ;

Which was adopted.

Mr. Semmes moved to amend by adding, after the word "Prattville," the following :

"And all property belonging to all churches of all religious denominations."

Pending the consideration of which—

The further consideration of the bill was postponed and made the special order for to-morrow at 1 o'clock.

Also, from same committee, adversely to the bill—

Mandatory on the court of county commissioners ;

Which was concurred in.

Also, from the same committee, favorably to the bill—

To regulate the assessing and collecting of the poll tax in the State of Alabama.

Pending the consideration of which —

The hour of 12 o'clock arrived, when the House proceeded to the consideration of the



## SPECIAL ORDERS.

The first in order being the bill—

To require the indorsement by the State of Alabama of the first mortgage bonds of the Eufaula, Abbeville and Gulf railroad company.

The further consideration of which was postponed and made the special order for half past 10 o'clock, to-morrow.

The next special order for this hour being the consideration of the address for the removal from office of Hon. John Elliott Judge of the 6th judicial circuit,

Judge Elliott, with his counsel, W. W. D. Turner and John A. Elmore, took their seats within the bar of the House.

Mr. Elmore, as counsel, read from the clerk's desk the sworn statement in writing of Judge Elliott as to what he expected to prove by certain absent witnesses.

After the reading of which,

On motion of Mr. Boyd—

It was resolved by the House, That it be admitted by the House that the absent witnesses, if present, would testify to the facts as set forth by Judge Elliott in his affidavit.

All the testimony taken by the House touching the matter in controversy, was then read.

And the question being on the adoption of the address ;

It was put—

And the address was not adopted.

Yeas 56, nays 22 ;

Mr. Speaker ruling that it required sixty-seven (67) votes, or two thirds of all the members of the House to adopt the address.

Yeas—Messrs. Speaker, Appleton, Ashurst, Benson, Boyd, Bradford, Bulger, Bullock, Calloway, Carmichael, Cochran, Cowan, Crook, Doster, Drake, Ellison, Etheridge, Gilchrist, Grayson of Clarke, Grayson to Madison, Gunn, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Lindsay, Lowe, McCall, McDermott, Marlowe, Miller, Nininger, Oates, Payne, Powell, Raisler, Sims, Smith of Choctaw, Smith to Greene, Smith of Sumter, Speake, Strauss, Taylor of Lauderdale, Taylor of Winston, Toulmin, Ware, Weatherford and White—55.

Nays—Messrs. Alley, Black, Carlin, Clark, Coleman, Craig, Diggs, Dozier, Gaskin, Gee, Greene, Haralson, Johnson of

Dallas, King, Perrin, Semmes, St. Clair, Speed, Thompson, Tyler, Wells and Williams—22.

Mr. Black moved to reconsider the vote just taken on the adoption of the address.

The consideration of which motion,

On motion of Mr. Semmes,

Was postponed until 10 o'clock to-morrow morning.

On motion of Mr. Alley—

The House adjourned until to-morrow morning 10 o'clock.

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## FIFTY-FIRST DAY.

WEDNESDAY, February 7, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Kinzer.

The journal of yesterday was read and approved.

## ENROLLED BILLS.

Mr. Powell, from the committee on enrolled bills, reported as correctly enrolled the following bills—

To remove the administration of the estate of James S. Davis and Andrew S. Davis, deceased, from the county of Butler to the county of Crenshaw.

To incorporate the town to Spring Hill, in the county of Pike.

Joint memorial of the General Assembly of Alabama, to the Congress of the United States for a grant of the public lands along the route of Decatur and Aberdeen railroad, in aid of the construction of said road, and also of a branch of the same to the city of Columbus, Mississippi.

To prevent the sale of spirituous liquors within Two miles of Mulberry college, Blount county.

To amend an act entitled "an act to prevent the selling of liquors within four miles of Mount Zion, New Lebanon, Providence and Fair Prospect churches, in Montgomery county.

To incorporate the town of Abbeville, in the county of Henry.

To prevent the selling of liquors within two miles of Bethaisda and Hopewell churches, in the county of Montgomery.

To amend the charter of the city of Talladega.

To prohibit the sale of spirituous liquors within two miles of Cedar Hill church, or within one and a half miles of Union Grove Methodist church, in Cherokee county.

To prevent the sale of spirituous liquors within two miles of Charcoan church, in Sumter county.

To increase the pay of witnesses in attendance upon all courts in Greene and Marengo counties, except justices courts.

To prohibit the sale of spirituous or vinous liquors within three miles of the Methodist Episcopal church at Warrior Stand, Macon county.

For the relief of James Vansandt, of Coosa county.

To change the boundary line between the counties of Bullock and Barbour.

To regulate the buying of lottery tickets in this State.

To prevent the sale, gift, or delivery of any fermented, vinous or spirituous liquors within three and a half miles of Sylacauga, in Talladega county.

To repeal an act entitled an act to change and establish the line between the counties of Jackson and DeKalb, approved March 3, 1870.

To prohibit the sale of spirituous or vinous liquors within three miles of New Hope church, in Macon county.

For the relief of the estate of Isaac Winston, sr., late of Franklin county.

Messages from the Senate, by Mr. Whiting :

SENATE CHAMBER,  
Montgomery, Feb. 7, 1872. }

Mr. Speaker :

The Senate has originated and passed bills as follows—

To relieve Thomas B. Taylor, of Montgomery county, of the penalty of double taxation for the year 1871.

To authorize and require the court of county commissioners of the several counties of this State to provide means for the necessary clothing of the indigent pupils of the Alabama institution for the deaf, dumb and the blind.

To exempt the judge of probate, register in chancery, and attorneys of Elmore county, from the provisions of an act entitled an act to prohibit attorneys in certain cases, from

practicing their professions in the probate and chancery courts, approved February 11, 1871.

To make Hannah Oppenheimer, of Montgomery county, a free dealer.

To remove the administration of the estate of Oliver P. Bessenger, deceased, late of Coosa county, from the court of probate of Coosa county, to the probate court of Pike county.

To establish an election precinct at Brushy Creek church, in Conecuh county.

To relieve the Savannah and Memphis railroad company from illegal assessment of taxes.

And originated and adopted joint memorial of the General Assembly of Alabama, to the Congress of the United States, asking a grant of lands for the Warrior and Tennessee Rivers railroad,

M. P. BLUE,  
Secretary.

SENATE CHAMBER,  
February 7, 1872. }

Mr. Speaker:

The Senate has passed House bills as follows:

For the relief of the estate of Isaac Winston, sr., late of Franklin county.

To prohibit the sale of spirituous or vinous liquors within three miles of New Hope church, in Macon county.

To repeal an act entitled an act to change and establish the line between the counties of Jackson and DeKalb, approved March 3d, 1870.

To regulate the buying of lottery tickets in this State.

To prevent the sale, gift, or delivery of any fermented, vinous, or spirituous liquors within three and a half miles of Syllacauga, in Talladega county.

To change the boundary line between the counties of Bullock and Barbour.

For the relief of, James Vansandt of Coosa county.

M. P. BLUE,  
Secretary.

The hour of half past ten o'clock having arrived, the House proceeded to the consideration of the

## SPECIAL ORDER,

It being the motion of Mr. Black, pending at adjournment on yesterday, to reconsider the vote taken on the adoption of the address for the removal from office of Hon. John Elliott, judge of the sixth judicial circuit.

Mr. Dustan moved to lay the motion to reconsider on the table;

Which was lost.

Yeas 39, nays 48.

Yeas—Messrs. Alley, Appleton, Black, Carlin, Carmichael, Clark, Cochran, Coleman, Craig, Curtis, Davis, Diggs, Dozier, Dustan, Gaskin, Gee, Gilchrist, Green, Haralson, Henderson, Hewitt, Howell, Johnson of Dallas, King, McCaskey, Marlowe, Moore, Nininger, Perrin, Powell, Speake, St. Clair, Speed, Taylor of Winston, Thompson, Tyler, Wells, White, and Williams—39.

Nays—Messrs. Speaker, Ashurst, Benson, Box, Boyd, Bradford, Bulger, Bullock, Calloway, Clements, Cowan, Crook, Doster, Ellison, Etheridge, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Henry, Hitchcock, Hodo, Holmes to Sumter, Holmes of Baldwin, Hurt, Johnson of Coosa, Kennedy, Leath, Lindsay, Lowe, McCall, McDermott, Murrah, Oates, Payne, Raisler, Semmes, Sims, Smith of Choctaw, Smith of Sumter, Steele, Strauss, Taylor of Lauderdale, Toulmin, Ware, Weatherford and Wyman—4:S.

The question recurring on the motion of Mr. Black to reconsider,

It was carried.

Yeas 61, nays 37.

Yeas—Messrs. Speaker, Ashurst, Benson, Box, Boyd, Bradford, Bulger, Bullock, Calloway, Clements, Coleman, Crook, Doster, Ellison, Etheridge, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Henry, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Hurt, Kennedy, Leath, Lindsay, Lowe, McCall, McDermott, Moore, Murrah, Oates, Payne, Raisler, Semmes, Sims, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Steele, Strauss, Taylor of Lauderdale, Toulmin, Ware, Weatherford, White and Wyman—51.

Nays—Messrs. Alley, Appleton, Black, Carlin, Carmichael, Clark, Cochran, Craig, Curtis, Davis, Diggs, Dozier, Dustan, Gaskin, Gee, Gilchrist, Green, Haralson, Henderson, Henderson, Hewitt, Howell, Johnson of Coosa, Johnson of Dallas,

King, McCaskey, Marlowe, Nininger, Perrin, Powell, Speake, St. Clair, Speed, Taylor of Winston, Thompson, Tyler, Wells and Williams—37.

The question being on the adoption of the address, it was put, and the vote was—

Yeas 58, nays 28.

Yeas—Messrs. Speaker, Appleton, Ashurst, Benson, Box, Boyd, Bradford, Bulger, Bullock, Calloway, Carmichael, Clements, Coleman, Cowan, Crook, Doster, Ellison, Etheridge, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Holmes to Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lindsay, Lowe, McCall, McDermott, Moore, Murrah, Oates, Payne, Powell, Raisler, Semmes, Sims, Smith of Choctaw, Smith of Sumter, Smith of Greene, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Toulmin, Ware, Weatherford, White and Wyman—58.

Nays—Messrs. Alley, Black, Carlin, Clark, Cochran, Curtis, Davis, Diggs, Dozier, Gaskin, Gee, Green, Haralson, Henderson, Johnson of Dallas, King, McCaskey, Marlowe, Nininger, Perrin, St. Clair, Speed, Taylor of Winston, Thompson, Tyler, Wells and Williams—28.

Mr. Speaker declared the address not adopted by the constitutional majority of two-thirds of the house, ruling that it required sixty-seven votes, or two-thirds of the whole number to members elect of the House.

Mr. Boyd appealed from the decision of the chair on his ruling as to the question of the majority required by the constitution to adopt the address.

And the question being, " Shall the decision of the chair be the decision of the House?" it was put and lost.

Yeas 59, nays 47.

Yeas—Messrs. Alley, Appleton, Black, Bulger, Calloway, Carlin, Clark, Cochran, Coleman, Craig, Crook, Curtis, Davis, Diggs, Dozier, Dustan, Gaskin, Gee, Gilchrist, Green, Haralson, Henderson, Johnson of Coosa, Johnson of Dallas, King, McCall, Marlowe, Moore, Nininger, Perrin, Powell, St. Clair, Speed, Taylor of Winston, Thompson, Tyler, Wells, White and Williams—39.

Nays—Messrs. Ashurst, Benson, Box, Boyd, Bradford, Bullock, Carmichael, Clements, Cowan, Doster, Ellison, Etheridge, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Kennedy, Leath, Lindsay,

Lowe, McDermott, Murrah, Oates, Payne, Raisler, Semmes, Sims, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Toulmin, Ware, Weatherford, and Wyman—47.

The next special order, being the bill—

To require the indorsement by the State of Alabama of the first mortgage bonds of the Eufaula, Abbeville & Gulf railroad company.

On motion of Mr. Oates—

Its further consideration was postponed until 11 o'clock to morrow, and made the special order for that hour.

#### ADJOURNMENT.

The House next proceeded to consider the resolution transmitted to the House, in relation to adjournment sine die, as follows:

Resolved by the Senate, (the House concurring,) That the present session of the general assembly be continued beyond the thirty days named in the joint resolution passed before the recess in December, and under which the session was continued ; and that both Houses of the general assembly remain in session until the important business before the body be disposed of, not to extend beyond the first day to March next.

Mr. Oates moved to amend the resolution by striking out " first day of March next," and inserting " 15th instant."

Mr. Lowe moved to insert the "20th instant;"

Which was laid on the table.

And the amendment was adopted.

Mr. Hewitt moved to amend by adding as follows :

And on that day the two Houses of the general assembly do adjourn sine die.

Mr. Dustan moved to lay the amendment on the table ;

Which was lost.

And the amendment was adopted ;

And the resolution, as amended, was adopted.

Yeas 48, nays 34.

Yeas—Messrs. Speaker, Alley, Appleton, Ashurst, Benson, Black, Boyd, Bradford, Bulger, Calloway, Carlin, Carmichael, Clark, Clements, Cochran, Coleman, Curtis, Davis, Doster, Dozier, Dustan, Etheridge, Grayson of Clarke, Grayson of Madison, Haralson, Henderson, Henry, Hewitt, Hitchcock, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Dallas, Lindsay, Lowe, McDermott, Murrah, Oates,

Payne, Powell, Semmes, Sims, Smith of Sumter, Smitherman, Taylor of Lauderdale. Taylor of Winston, Toulmin and Ware—48.

Nays—Messrs. Box, Bullock, Cowan, Crook, Diggs, Ellison, Gaskin, Gee, Gilchrist, Greene, Gunn, Hamilton, Hodo, Johnson of Coosa, Kennedy, Leath, McCall, Marlowe, Nininger, Perrin, Raisler, Smith of Choctaw, Speake, St. Clair, Steele, Speed, Strauss, Thompson, Tyler, Weatherford, Wells, White, Williams and Wyman—31.

Upon the announcement of the resolution by Mr. Speaker, Mr. Gunn made the point that the resolution was not adopted, as it required a two-thirds vote of the House, as required by the constitution.

Mr. Speaker overruled the point.

Whereupon, Mr. Gunn appealed from the decision of the chair;

And the question being, "Shall the decision of the chair be the decision of this House?" it was put and carried.

The House proceeded to the consideration of the

#### SPECIAL ORDER.

It being the bill reported by the joint committee of the two Houses to revise the election laws, to-wit :

To regulate elections in the State of Alabama ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Thompson moved to consider the bill by sections ;

Which motion was laid on the table.

Mr. Dustan moved to amend the first section by striking out the words " and precinct," in the 5th line ;

Mr. Lowe moved to lay the amendment on the table ;

Which was carried.

Yeas 39, nays 35.

Yeas—Messrs. Speaker, Appleton, Ashurst, Bradford, Bulger, Clements, Cowan, Crook, Ellison, Etheridge, Grayson of Clarke, Grayson of Madison, Henry, Hewitt, Hitchcock, Hodo, Howell, Hurt, Johnson of Coosa, Kennedy, Lindsay, Lowe, McDermott, Murrah, Powell, Raisler, Semmes, Sims, Smith of Choctaw, Smith of Greene, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Toulmin, Ware, Weatherford and White—39.

Nays—Messrs. Alley, Black, Box, Boyd, Bullock, Calloway, Carlin, Carmichael, Clark, Craig, Curtis, Davis, Diggs, Dozier,  
28h



Dustan, Gaskin, Gee. Green, Gunn, Haralson, Henderson, Johnson of Dallas, King, Leath, McCall, Moore, Nininger, Payne, Perrin, St. Clair, Taylor of Lauderdale, Taylor of Winston, Thompson, Wells and Williams—35.

Mr. Lowe moved the previous question, and the question being "Shall the main question be now put?"

It was put and carried.

The question being on ordering the bill to a third reading on to-morrow;

Pending the consideration of which—

On motion of Mr. Green—

The House adjourned until to-morrow morning ,10 o'clock.

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## FIFTY-SECOND DAY.

THURSDAY, February 8, 1872.

House met pursuant to adjournment.

Prayer by Rev. Mr. Kinzer.

The journal of yesterday was read and approved.

## REPORTS FROM STANDING COMMITTEES,

This being the day set apart by the House for the consideration of reports from standing committees.

## WAYS AND MEANS.

Mr. Oates, from the committee on ways and means, reported favorably to the bill—

To exempt all transcripts and other papers used in making out claims for pensions and bounty claims, from stamp tax on State and county seals.

Also to the Senate bill—

For the relief of Martha N. Lowe of Madison county

Which were severally read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, to which was referred a resolution instructing said committee to report a bill to prevent tax collectors from receiving State warrants for taxes due the State, reported a bill—

To amend section 52 of an act to establish revenue laws for the State of Alabama ;

Which was read a first time ;

And on motion of Mr. McCall, its further consideration was indefinitely postponed.

Also, from same committee, adversely to the following bills:

To amend section 16 of an act to establish revenue laws for the State of Alabama.

To extend the time to the tax collector of Barbour county in which to report "list of insolvencies," and also list of errors in assessment."

To extend the time for the collection of taxes in Marengo county, and for the sale of real estate for the tax year of 1871.

Also to the Senate bills—

To authorize Friendly Grubbs of Barbour county and Samuel M. Brown of Macon county to peddle and auction without a license or tax.

To authorize G. L. Wingo, a citizen of Colbert county, to auction and peddle without a license or tax ;

Which were severally concurred in.

Also, from same committee, favorably to the bill—

To exempt the Columbus, Fayette and Decatur railroad from taxation.

Mr. Gaskin moved the indefinite postponement of the further consideration of the bill;

Which was lost;

And the bill was ordered to a third reading.

Also, from same committee, adversely to the Senate bill—

For the relief of Edward F. Comegys, sr. ;

Which was not concurred in ;

And the bill was recommitted to the committee on fees and salaries.

Also, from same committee, adversely to the Senate bill—

To encourage the publication of a new edition of Prof. Tuomey's first report on the geology of Alabama ;

Which was not concurred in ;

And on motion of Mr. Hewitt—

The further consideration of the bill was indefinitely postponed.

Also, from same committee, favorably to the Senate bill—

For the relief of Samuel N. Brown of Macon county,

With an amendment as follows :

Strike out the words "in all the counties," and insert the words "in Macon county ;"

Which was adopted ;

And the bill ordered to a third reading.

Also, from same committee, to which was referred the bill,  
To relieve all railroad companies in this State of the ten  
(10) per cent. penalty on taxes assessed against them during  
the years 1870 and 1871.

Reported that the committee could not agree upon any  
recommendation in relation thereto, and asked to be dis-  
charged from its further consideration.

And the committee were discharged.

Messages from the Senate, by Mr. Whiting;

SENATE CHAMBER,  
February 8, 1872, }

Mr. Speaker

The Senate has originated and passed the following bills :

To make Mary Ellison a free dealer.

To refund to Mrs. M. P. Lamplly certain State tax improper-  
ly collected.

For the relief of the tax collector of Tuscaloosa county.

For the relief of E. M. Hughston of Butler county.

To make Edith Parker Wilson of Lee county a free-dealer.

For the relief of John Post of Pike county.

To prohibit the sale or other disposition of intoxicating  
liquors within three miles of Mount Zion Baptist church,  
Alexandria Methodist Episcopal church, and Alexandria Aca-  
demy, near the town of Alexandria, county of Calhoun, Ala-  
bama.

And passed House bills as follows:

For the relief of Tallassee Manufacturing company No. 1.

To authorize the administration of the estate of Alfred  
Fuller, deceased, who died intestate, to sell the lands belong-  
ing to said estate.

And amended, as therein shown, and passed House bill—

To repeal an act entitled an act to enable the commission-  
ers court of St. Clair, Walker and Choctaw counties respec-  
tively, to erect bridges and have public buildings repaired,  
and to make the same preferred claims against said counties,  
approved February 7, 1870, so far as the same relates to the  
county of St. Clair.

M. P. BLUE,  
Secretary.

SENATE CHAMBER,  
February 8, 1872.}

Mr. Speaker:

The Senate has originated and passed bill as follows :  
To change the seat of justice of Morgan county,  
An act supplemental to an act incorporating the town of  
Oxford, in Calhoun county.

M. P. BLUE,  
Secretary.

SENATE CHAMBER,  
February 8, 1872. }

Mr. Speaker :

The Senate has concurred in House amendment to Senate  
joint resolution, in relation to the extending of the present  
session of the General Assembly.

M. P. BLUE,  
Secretary.

SPECIAL ORDER.

The hour of 11 o'clock having arrived, the House proceeded to the consideration of the special order for that hour, it being the bill—

To require the indorsement by the State of Alabama of the first mortgage bonds of the Eufaula, Abbeville and Gulf railroad company ;

The question pending being on the adoption of the amendment reported by the committee,

Mr. Boyd moved to lay the bill on the table ;

Which was lost—Yeas 37, nays 47.

Yeas—Messrs. Speaker, Alley, Ashurst, Box, Boyd, Bradford, Bulger, Clements, Crook, Curtis, Doster, Graham, Grayson of Clarke, Gunn, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Holmes of Sumter Hurt, Leath, Lindsay, Lumpkin, McCall, Murrah, Perrin, Raisler, Smith of Choctaw, Smith of Sumter, Smitherman, Speake, Steele, Taylor of Lauderdale, Tyler, Ware and Weatherford —37.

Nays—Messrs. Benson, Black, Bullock, Calloway, Carlin, Carmichael, Clark, Cochran, Cowan, Craig Davis, Diggs, Dozier, Dustan, Ellison, Etheridge, Gaskin, Gee, Grayson of Madison, Green, Haralson, Henderson, Holmes of Baldwin, Howell, Johnson of Coosa, Johnson of Dallas, Kennedy, King,

Lowe, McCaskey, McDermott, Moore, Nininger, Oates, Powell, Semmes, Sims, Smith of Greene, St. Clair, Speed, Strauss, Thompson, Toulmin, Toomer, Wells, White and Williams— 47.

On motion of Mr. Boyd—

The further consideration of the bill was indefinitely postponed—Yeas 40, nays 38.

Yeas—Messrs. Speaker, Alley, Appleton, Ashurst, Benson, Box, Boyd, Bradford, Bulger, Bullock, Clements, Cowan, Crook, Curtis, Graham, Gunn, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Hurt, Johnson of Coosa, Leath, Lumpkin, Murrah, Payne, Perrin, Raisler, Sims, Smith of Choctaw, Smith of Greene, Smith of Sumter, Smitherman, Speake, Steele, Taylor of Lauderdale, Ware, Weatherford and White— 40.

Nays—Messrs. Black, Calloway, Carlin, Carmichael, Clark, Craig, Davis, Diggs, Dozier, Dustan, Ellison, Gaskin, Gee, Grayson of Clarke, Grayson of Madison, Haralson, Henderson, Howell, Johnson of Dallas, Kennedy, King, Lindsay, Lowe, McCall, McCaskey, Moore, Nininger, Oates, Powell, St. Clair, Strauss, Taylor of Winston, Thompson, Toulmin, Tyler, Wells, Williams and Wyman—38.

#### SPECIAL ORDER.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the special order for that hour, it being—

The motion that the House go into committee of the whole on the Alabama and Chattanooga railroad.

On motion of Mr. Oates—

Its further consideration was postponed, and made the special order for half past ten o'clock to-morrow morning.

By leave, on motion of Mr. Ellison—

The testimony taken in the matter of the address for the removal of Hon. John Elliott from the office of judge of the 6th judicial circuit,

Was ordered to be sent forthwith to the Senate.

On motion to Mr. Oates, the

Joint resolution to divide the State into seven congressional districts,

Was taken from the table ;

And the question being on its adoption—

It was adopted.

Messrs. Henderson, Powell, Bradford, Doster, Crook and

Hewitt were appointed the committee on the part of the House.

#### REPORT FROM A SPECIAL COMMITTEE,

Mr. Moore, from the special committee of one from each judicial circuit, to provide for the location of the agricultural and mechanical college, reported favorably to the bill—

To establish an agricultural and mechanical college at Florence.

Mr. Dustan moved to postpone the further consideration of the bill until Wednesday next, 12 m., and make it the special order for that hour.

On motion of Mr. Cochran—

The motion was laid on the table.

On motion of Mr. Henderson—

The House adjourned until 10 o'clock to-morrow morning.

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#### FIFTY-THIRD DAY.

FRIDAY, February 9, 1872,

The House met pursuant to adjournment,

Prayer by Rev. Mr. Kinzer.

The journal of yesterday was read and approved.

Mr. Thompson asked leave to introduce a resolution ;

Which was not granted.

On motion of Mr. Lowe—

The vote to allow Mr. Thompson to offer a resolution was reconsidered, and leave granted ; whereupon he offered the following resolution;

Resolved, That the judiciary committee be, and they are hereby instructed, to report at an early day the bill to be entitled—

An act to inflict penalties upon common carriers and their agents for violation of laws in making unjust and illegal disfunction based on color, race and previous condition ;

Which was adopted.

On motion of Mr. Oates—

Five hundred copies of all proceedings against Hon. John Elliott were ordered to be printed.

Message from the Governor, by Mr. Chardavoyne :

Mr. Speaker:

I am directed by his excellency the governor to inform you that he has approved the following acts originating in the House of Representatives :

To incorporate the town of Somerville, in Morgan county.

To incorporate the town of Georgiana, in Butler county.

For the relief of Howard College.

To amend section 3996 of the Revised Code.

To remove the administration of the estate of George O. Ragland from the county of Franklin to the probate court of Madison county.

To prevent homicides.

To incorporate the town of Youngsville, in the county of Tallapoosa.

To incorporate the town of Attalla, in the county of Etowah.

To authorize Harriet Billingslea to administer on the estate of Robert J. Glenn, deceased.

To authorize the commissioners court of Jackson county to levy a special tax from year to year to pay off the indebtedness of said county.

To prohibit the sale of vinous or spirituous liquors within three miles of New Hope church, in Macon county.

To prevent the sale of spirituous or vinous liquors within two miles of Black Jack church, in Bibb county.

Joint memorial—

To the congress of the United States for a grant of the public lands along the route of the Decatur and Aberdeen railroad in aid of the construction of said road, and also of a branch of the same to the city of Columbus, Mississippi.

To incorporate the Protection Hook and Ladder Company No. 1, of Selma.

To prohibit the sale of spirituous or vinous liquors within one mile of Camp Hill church, in Tallapoosa county.

To prohibit the sale of vinous, spirituous or malt liquors within one mile of Spring Hill academy, in Pickens county.

To repeal section 4 of an act to establish and incorporate a male and female academy, at Rehoboth in the county of Wilcox, approved February 9, 1852.

To authorize W. R. Head, administrator de bonis non of W. F. Faulkner, to sell the land of the estate without an order of court.

To authorize Isaac M. Johnson, guardian of John A. Lowe, and Wm. A. Lowe, to sell the lands belonging to his said

wards without making application, proof and obtaining an order of sale.

To authorize and empower David McClellan to convey by deed to Charles A. Ingram certain lands in the county of Henry.

To prohibit retailing vinous, spirituous and malt liquors within two miles of the court house at Grove Hill in Clarke county.

To prohibit the sale or otherwise disposing of spirituous, vinous or malt liquors within one mile of Antioch Baptist church, in St. Clair county.

To amend an act changing the name of Laura Terry, of Geneva county.

To prohibit the sale of liquors within three miles of the Academy and Baptist and Methodist churches at Helicon.

To prohibit the sale, giving away, or otherwise dealing in spirituous vinous or malt liquors within three miles of "New Cubahatchie" Baptist church, in Macon county.

To prohibit the sale of spirituous or vinous liquors within three miles of Pleasant Site church, in Franklin county.

For the relief of Elizabeth Parish, wife of James L. Parish, of the city of Montgomery.

To exempt from administration property of decedents, and vest titles in the widow or child or children.

To increase the pay of witnesses in attendance upon all courts in Greene and Marengo counties, except justices courts.

To amend the charter of the city of Talladega.

For the relief of the estate of Isaac Winston, sr., late of Franklin county.

To prevent the sale of spirituous liquors within two miles of Mulberry College, Blount county.

To incorporate the town of Abbeville, in the county of Henry.

To change the boundary line between the counties of Bullock and Barbour.

To prohibit the sale of spirituous or vinous liquors within three miles of the Methodist Episcopal church at Warrior Stand, Macon county.

To incorporate the town of Spring Hill, in the county of Pike.

For the relief of James Vansandt of Coosa county.

To protect the owners of oyster beds in the tide waters of Alabama.

To require the corporate authorities of Troy to make and



publish a statement of the amounts collected and paid out by their authority.

To prevent the sale, gift or delivery of any fermented, vinous or spirituous liquors within three and a half miles of Sylla-cauga, in Talladega county.

To repeal an act to change and establish the line between the counties of Jackson and DeKalb, approved March 3, 1870.

To amend an act to prevent the selling of liquors within four miles of Mount Zion, New Lebanon, Providence and Fair Prospect churches, in Montgomery county.

To prevent the sale of spirituous liquors within two miles of Charcoan church, in Sumter county.

To prevent the sale of spirituous liquors within two miles of Cedar Hill church, or within one and a half miles of Union Grove Methodist church, in Cherokee county.

To prevent the sale of liquors within two miles of Bethsaida and Hopewell churches in the county to Montgomery.

To validate a sale of certain lands in the county of Henry.

For the relief of Tallassee Manufacturing Company No. 1.

To repeal an act to register and pay the debt of Sumter county, approved March 1, 1870.

To authorize Theophilus S. and George H. Fontaine, or either of them, citizens of Georgia, to qualify as executors of the estate of B. B. Fontaine, deceased.

To prevent the sale of vinous or spirituous liquors within one mile of Souls chapel, Chambers county.

To accommodate the voters in elections for members of the commissioners court of Coffee county.

To remove the administration of the estate of James S. H. Davis and Andrew S. Davis, deceased, from the county of Butler to the county of Crenshaw.

To prohibit dealing in vinous. spirituous or malt liquors in two miles to Salem church, in Clarke county.

Respectfully,

W. V. CHARDAVOYNE,

Secretary.

On motion of Mr. Oates, the vote by which the adverse report of the committee on ways and means was concurred in on the Senate bill—

To authorize Friendly Grubbs of Barbour county, and Samuel M. Brown of Macon county, to peddle without license or tax ;

Was reconsidered.

On motion of Mr. White, the vote by which the Senate bill—

To encourage the publication of a new edition to Professor Tuomey's first report on the geology of Alabama ;  
Was indefinitely postponed, was reconsidered.

On motion of Mr. Oates—

The vote concurring in the adverse report of the committee on ways and means to the bill—

To extend the time for the collection of taxes in Marengo county, and for the sale of real estate for the tax year of 1871;  
Was reconsidered.

The House proceeded to the consideration of the special order set for the hour of half-past 10 o'clock, it being the motion to go into committee to the whole on the Alabama & Chattanooga Railroad ;

Mr. McCall offered the following as an amendment, by way of substitute—

Resolved 1st, That this House now proceed to consider the Alabama and Chattanooga railroad question, and continue its consideration until it is disposed of.

Resolved 2d, That during the remainder of the session members shall be limited in speaking to thirty minutes, unless permitted by the unanimous consent of the House to speak longer.

Mr. Bradford moved to strike out the word " unanimous," and insert after the word " consent" the words " of two-thirds;"

Which was lost.

Mr. Dustan moved to strike out the word " thirty" before the word " minutes," and insert " twenty ;"

Which was adopted.

Mr. Murrah moved to lay the second resolution on the table;

Which was carried—Yeas 41, nays ; 19.

Yeas—Messrs. Speaker, Alley, Benson, Black, Boyd, Bradford, Bullock, Calloway, Carlin, Cochran, Coleman, Cowan, Curtis, Dozier, Gaskin, Gee, Haralson, Henderson, Henry, Hitchcock, Hodo, Holmes of Sumter, Hurt, Johnson of Dallas, Lewis, McCaskey, Moore, Murrah, Oates, Payne, Perrin, Powell, Smith of Greene, Smith of Sumter, Smitherman, St. Clair, Strauss, Thompson, Toulmin, Tyler and Williams—41.

Nays—Messrs. Appleton, Ashurst, Box, Bulger, Carmichael, Clements, Craig, Crook, Davis, Doster, Dustan, Graham, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Hewitt, Howell, Johnson of Coosa, King, Lindsay, Lowe, Lumpkin, McCall, Marlowe, Nininger, Raisler, Sims, Smith of Choctaw, Speake, Steele, Taylor of Lauderdale, Taylor of

Winston, Toomer, Ware, Weatherford, Wells, White and Wyman—39.

Mr. Lowe moved to amend the first resolution, by striking out all after the word " consideration," and insert as follows : "from day to day, after the hour of 12 o'clock m., until disposed of."

Mr. Dustan moved an amendment, by way of substitute, for Mr. Lewis' motion, as follows :

Provided, this resolution shall not apply to night sessions, should the House resolve to hold them.

Mr. Bulger moved to lay the amendment and the substitute for the amendment on the table ;

Which was lost.

And the substitute by Mr. Dustan was adopted, and the amendment as amended was adopted.

And the resolution was adopted.

#### REPORT OF SPECIAL COMMITTEE.

The question before the House being the majority and minority reports of the special committee on railroads,

On motion of Mr. Boyd—

The House went into committee of the whole on the matter of the Alabama and Chattanooga railroad.

After some time spent therein, the committee rose, and through its chairman, Mr. Bulger, reported progress.

The House resumed the consideration of the bill reported by the majority of the committee on railroads, to-wit:

The bill to protect the interests of the State in the Alabama and Chattanooga railroad;

Which was read twice, under a suspension of the constitutional rule.

Mr. Bradford moved to amend by way of substitute, by substituting the bill reported by the minority to' the committee.

Mr. Gunn moved to lay the substitute on the table;

Which was lost —Yeas 30. nays 39.

Yeas—Messrs. Alley, Black, Box, Boyd, Carmichael, Clements, Cochran, Crook, Davis, Diggs, Dozier, Dustan, Gunn, Hewitt, Hodo, King, Lewis, Oates, Payne, Raisler, Rice, Smith of Choctaw, Smith of Greene, Smith of Sumner, Smitherman, Steele, Taylor of Winston, Thompson, Toomer and Wells—30.

.Nays—Messrs. Appleton, Benson, Bradford, Bulger, Bullock, Carlin, Cowan, Curtis, Dozier, Gaskin, Gee, Grayson of Clarke, Grayson of Madison, Hamilton, Haralson, Henderson, Henry, Hitchcock, Hurt, Johnson of Coosa, Johnson of Dallas, Lowe, Lumpkin, McCall, McCaskey, Marlowe, Moore, Murrah, Nininger, Powell, Semmes, Taylor of Lauderdale,

Toulmin, Tyler, Ware, Weatherford, White, Williams and Wyman—39.

Mr. Boyd moved to amend the substitute, by striking out the name of Alexander White in section 1.

Mr. Speaker (Mr. Bulger in the chair) decided the amendment out of order, as the substitute could not be amended until adopted by the House.

Mr. Bradford appealed from the decision of the chair, and the question being—

" Shall the decision of the chair be the decision of the House ?"

It was put, and the chair was sustained.

The question being on the adoption of the substitute, it was put and lost.

Mr. Oates moved to amend by way of substitute;

Pending consideration of which—

Mr. Toulmin offered the following resolution, which was adopted :

Resolved, That this House will hereafter hold afternoon sessions, beginning this afternoon at 4 o'clock.

#### ENROLLED BILLS.

Mr. Powell, from the committee on enrolled bills, reported the following as correctly enrolled :

For the relief of the Tallassee manufacturing company.

To authorize the administrator of the estate of Alfred Fuller, deceased, who died intestate, to sell the lands belonging to said estate.

The House then adjourned until 4 o'clock this afternoon.

#### AFTERNOON SESSION, February 9, 1872.

The House met pursuant to adjournment, and proceeded to the consideration of Senate bill—

To authorize the governor to subscribe for a map of Alabama;

Was read a third time, and on motion of Mr. Taylor of Lauderdale—

Its further consideration was indefinitely postponed.

Senate bills—

For the relief of Samuel N. Brown of Macon county ;

To establish an election precinct in the county of Bibb, to be known as Ashby ;

Were severally read a third time and passed.

Senate bills —

For the protection of holders of lottery tickets or certificates;

In relation to the duties of clerk of the supreme court;

Supplementary to the laws relating to life insurance companies not chartered by the State and doing business in it;

To provide books and stationery for sheriffs.

To authorize A. J. Henderson, administrator of the estate of Stephen D. Smylie, deceased, late of Pike county, to sell at public or private sale, the city lots belonging to said estate, within the corporate limits of the city of Troy, in said county.

To remove the administration of the estate of Oliver P. Bessenger, deceased, late of Coosa county, from the court of probate of Coosa county, to the probate court of Pike county.

To exempt the judge of probate, register in chancery, and attorneys of Elmore county, from the provisions of an act entitled an act to prohibit attorneys in certain cases, from practicing their professions in the probate and chancery courts, approved February 11, 1871.

To prohibit the sale of liquors within three miles of Mount Zion church, Alexandria Methodist Episcopal church, and Alexandria academy, near the town to Alexandria, Calhoun county.

For the relief of E. M. Hughston, of Butler county ;

Were severally read three times, under a suspension of the constitutional rule, and passed.

The Senate joint memorials—

To the Congress of the United States, asking a grant of lands for the Warrior and Tennessee Rivers railroad.

To the Congress, asking postal facilities on the river routes on the Tombigbee and Alabama rivers.

Also,

The Senate joint resolution—

To authorize the Governor to appoint commissioners to represent the State of Alabama at the agricultural convention to be held in the city of Washington, February 15, 1872 ;

Were severally read and adopted.

To make Hannah Oppenheimer, of Montgomery county, a free dealer.

To make Edith Parker Wilson, of Lee county, a free dealer.

To make Mary Ellison, a free dealer ;

Were severally read twice, under a suspension of the constitutional rule, and referred to the committee on local legislation.

The Senate bills—

To relieve the Savannah and Memphis railroad company from illegal assessment of taxes.

To refund to Mrs. M. P. Lampley, certain State tax improperly assessed.

For the relief of John Post, of Pike county.

For the relief of the tax collector of Tuscaloosa county ;

Were severally read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means.

The Senate bill—

To establish an election precinct at Brushy Creek church. in Conecuh county ;

Were read twice, under a suspension of the constitutional rule, and referred to the committee on privileges and elections.

The Senate bill—

To require chancellors to state in writing, the grounds upon which their final decrees are rendered ;

Was read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

The Senate bill—

To change the seat of justice of Marengo county ;

Was read twice under a suspension of the constitutional rule, and referred to the committee of three, as follows :

Messrs. Gunn, Hamilton and Speake.

The Senate bill—

For the relief of county officers of Macon county, and provide funds for the prompt payment of the current expenses of the poor house of said county ;

Was read twice, under a suspension of the constitutional rule.

Mr. Bulger moved the indefinite postponement of the bill ; Which was carried.

On motion of Mr. Alley—

The vote just taken was reconsidered.

Mr. Alley moved to amend, by striking out; the words, "the county officers, their statutory allowance, and to pay " ;

Which was adopted ;

And the bill read a third time, under a suspension of the constitutional rule, and passed.

The Senate bills —

To authorize George M. Moore to practice medicine in this State.

To authorize and require the court of county commissioners of the several counties of this State to provide means for the necessary clothing of the indigent pupils of the Alabama institution for the deaf, dumb and the blind.

Were severally read twice, under a suspension of the constitutional rule, and laid on the table.

The Senate bills—

To change the seat of justice of Escambia county.

To relieve Thomas B. Taylor of Montgomery county of the penalty to double taxation for the year 1871 ;

Were severally read twice, under a suspension of the constitutional rule, and their further consideration indefinitely postponed.

The Senate bill—

To protect common road bridges in Montgomery county ;

Was read twice, under a suspension of the constitutional rule, and referred to the committee on public roads and highways.

The Senate bill —

To raise a fund for the benefit of the fire companies of the cities of Montgomery, Selma and Eufaula,

Was read first time and ordered to a second reading.

The Senate bill—

Supplemental to an act incorporating the town of Oxford, in Calhoun county ;

Was read twice, under a suspension of the constitutional rule, and ordered to a third reading.

#### LEAVE OF ABSENCE.

Leave of absence was granted Mr. Smith of Choctaw, for three days, Mr. Miller for two days, and Mr. Crook for one day.

By leave, Mr. Toomer, introduced a bill—

To authorize Caroline N. Preston, administratrix of the estate of B. S. Garrett, deceased, to sell the lands of said estate at private sale ;

Which was read three times, under a suspension of the constitutional rule, and passed.

#### JUDICIARY.

By leave, Mr. Bulger, from the committee on the judiciary, reported favorably to the bill—

To enlarge the criminal jurisdiction of justices of the peace in their respective beats, in the county of Marengo, with the following amendments :

1st. Amend, by adding at the end of section I, the following: "Except gaming and violations of the revenue laws"; also amend, by additional section as section 12.

The amendments were adopted,

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. Thompson—

The House adjourned until to-morrow morning 10 o'clock.

#### FIFTY-FOURTH DAY.

SATURDAY, February 10, 1872.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Kinzer.

The journal of yesterday was read and approved.

Mr. Powell moved that the clerk be instructed to transmit to the Senate the bill—

To amend an act to amend section 11 of an act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within the State ;

Which was passed on the 3d inst., and on the passage of which a motion to reconsider its passage was pending at the adjournment on that day.

Mr. Boyd moved to amend, by way of substitute, as follows:

That the clerk be directed to retain in his custody the said bill, until the pending motion to reconsider be disposed to by the House.

Mr. Powell moved to lay Mr. Boyd's amendment on the table; which was lost—

Yeas 27, nays 44:

Yeas—Messrs. Speaker, Black, Calloway. Carmichael, Clark, Cochran, Davis, Diggs, Dustan, Ellison, Gaskin, Grayson of Madison, Henderson, Johnson of Dallas, King, Lowe, Moore, Nininger, Oates. Perrin, Powell, Rice, Steele, Speed, Thompson, Wells and Williams—27.

Nays—Messrs. Alley, Appleton, Box, Boyd, Bradford, Bulg-

29h



er, Bullock, Carlin, Cowan, Crook, Curtis, Doster, Dozier, Drake, Graham, Grayson of Clark, Greene, Gunn, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Howell, Hurt, Johnson of Coosa, Leath, Lewis, Lindsay, Lumpkin, McCall, McCaskey, McDermott, Murrah, Payne, Smith of Greene, Smitherman, Speake, Strauss, Taylor of Lauderdale, Toulmin, Ware, Weatherford and White—44.

The substitute offered by Mr. Boyd was adopted;  
Yeas 38, nays 31.

Yeas—Messrs. Alley, Appleton, Box, Boyd, Bradford, Bulger, Calloway, Clements, Cowan, Crook, Drake, Grayson to Clarke, Gunn, Hamilton, Henry, Hewitt, Hodo, Holmes of Sumter, Hurt, Johnson to Coosa, Lewis, Lindsay, Lumpkin, McCall, McCaskey, Murrah, Payne, Sims, Smith of Greene, Smith of Sumter, Smitherman, Speake, Taylor of Lauderdale, Toulmin, Ware, Weatherford, White and Wyman—38.

Nays—Messrs. Speaker, Black, Carmichael, Clark, Cochran, Coleman, Davis, Doster, Dozier, Dustan, Ellison, Gaskin, Grayson of Madison, Green, Henderson, Howell, Johnson of Dallas, King, Lowe, McDermott, Nininger, Oates, Perrin, Powell, Rice, St. Clair, Speed, Thompson, Tyler, Wells and Williams—31.

The motion, as amended, was a put and carried,

#### LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Box indefinitely, on account of sickness in his family ; to Mr. Gilchrist for two days.

The House proceeded to the consideration of the bill—

To protect the interest of the State in the Alabama and Chattanooga Railroad ;

The question being on the adoption of the substitute offered by Mr. Oates on yesterday.

Pending the consideration of which, the following message was received from the Senate by Mr. Whiting :

SENATE CHAMBER,  
Montgomery, Feb. 10, 1872. }

Mr. Speaker :

The Senate has originated and passed a bill—  
To confer civil jurisdiction upon the city court of Mobile.

M. P. BLUE,  
Secretary.

On motion of Mr. Strauss, the question pending before the House was suspended for the purpose of considering the bill just received from the Senate, to-wit : the bill—

To confer civil jurisdiction upon the city court of Mobile;

Which was read three times, under a suspension of the constitutional rule. and passed.

On motion of Mr. Bradford, the vote by which the bill—

To authorize the governor to subscribe for a map of Alabama,

Was indefinitely postponed, was reconsidered.

The House then adjourned until Monday morning 10 o'clock.

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## FIFTY-FIFTH DAY.

MONDAY, February 12, 1872.

House met pursuant to adjournment.

In the absence of the Speaker, on motion of Mr. Carmichael, Mr. Bulger was called to the chair.

Prayer by Mr. Murrah.

By leave—

Mr. Oates introduced a bill—

To authorize the city council of Montgomery to issue and sell bonds of said city to an amount not exceeding in the aggregate fifty thousand dollars, for the purpose of paying or adjusting certain bonds issued and delivered by said city to the Montgomery & Wetumpka Plank Road Company in the event of a recovery or adjustment,

Which was read three times, under a suspension of the constitutional rule, and passed.

Also, by leave, a bill—

To amend sections 4, 6, 9 and 12 of "an act to amend the charter of the city of Montgomery and the various laws heretofore passed amending said charter, approved March 3, 1870 ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Williams moved to strike out the word "thirty" on page 13, section 4, the third line from the bottom, and inserting the word "fifteen";

Which was lost.

Mr. Williams moved to strike out the following in section 4, as amended:

"Any person offering to vote may be challenged by any

elector, and if the cause of challenge be sustained the managers of election must refuse to permit such person to vote. No person liable to the payment of a poll tax shall be allowed to vote unless he shall exhibit a receipt showing the payment of said tax for the current year."

And insert the following :

That the mayor and aldermen shall appoint a board of challengers; said board shall consist of one prudent and discreet elector from each political party, who shall be appointed at the same time and in the same manner that inspectors and judges of election are appointed, whose duty it shall be to challenge any and every person who offers to vote that they or either of them believe not to be entitled to vote ; and if the person or persons so challenged insist on his right to vote, the challenger shall offer him such oath as may be prescribed by the said city council, and if he take said oath shall be entitled to vote, and for the false taking of which shall be indicted for perjury, and upon conviction thereof shall be punished as in other cases.

Mr. Thompson moved to strike out "fifty" on page 25, after the words "contractors who work more than two hands not exceeding," and insert the word "fifteen."

On motion of Mr. Oates the bill was referred to a special committee of five, as follows :

Messrs. Oates, Crook, Bradford, Marlowe and Williams.

Message from the Senate, by Mr. Whiting:

SENATE CHAMBER,  
Montgomery, Feb. 12, 1872.}

Mr. Speaker :

The Senate has passed House bills as follows—

To regulate the enclosure of stock in a portion of the county of Greene therein described.

To authorize the Memphis and Charleston railroad company to issue additional bonds, to be known as consolidated bonds, and to be secured by mortgage upon the property of said company.

To authorize Ann Eliza Millicert James, wife of Archer Bolling James of Madison county, to mortgage her separate estate in said county of Madison for the purpose of borrowing money.

And has originated and passed bills as follows :

In relation to mechanics' lien within the State of Alabama.  
 Of the relief of Tamah H. Cantrell, administratrix of John P. Cantrell, deceased.

For the relief of Young C. Hall, administratrix of the estate of Charles Hall, deceased, in the county of Baldwin.

To authorize the corporate authorities of Tuscumbia to contribute to the erection of a female academy.

For the relief of B. M. Cartledge of Butler county.

For the relief of the estate of A. S. Hill, late of Barbour county.

For the relief of Mary Q. Smith of Autauga county.

Also a memorial and joint resolution of the General Assembly of Alabama to the Congress of the United States as herewith transmitted.

M. P. BLUE,  
 Secretary.

By leave, Mr. Taylor of Lauderdale offered a joint memorial to the Congress of the United States, asking an additional grant of the public lands for the endowment of an agricultural and mechanical college in the State of Alabama.

Which was read and adopted;

The House proceeded to the consideration of the bill—

To protect the interests of the State in the Alabama and Chattanooga railroad.

The question pending being on the adoption of the substitute offered by Mr. Oates, on Friday last.

Pending the consideration of which—

On motion of Mr. Lowe—

The House adjourned until 4 o'clock this afternoon,

#### AFTERNOON SESSION.

The House met pursuant to adjournment,

#### ENROLLED BILLS,

Mr. Powell, from the committee on enrolled bills, reported the following as correctly enrolled :

To regulate the enclosure of stock in the county of Greene, therein described.

To authorize the Memphis and Charleston railroad company to issue additional bonds, to be known as "consolidated

bonds," and to be secured by mortgages upon the property of the said company.

To authorize Ann Eliza Millicert James, wife of Archer Bolling James of Madison county, to mortgage her separate estate in said county of Madison, for the purpose of borrowing money.

On motion of Mr. Speake—

The regular order of business was suspended to allow the committee on education to report.

## EDUCATION.

Whereupon, Mr. Wyman, from the committee on education, reported a substitute for the bill—

To repeal an act enacted by the board of education establishing normal schools at Talladega, Tuscumbia, Scottsboro and Midway, in Bullock county, approved December 20th, 1871.

Mr. Carmichael moved to amend by proviso ;

Which was adopted;

And the bill read a third time, under a suspension of the constitutional rule, and passed.

The title was amended, so as to read—

To repeal an act enacted by the board of education, entitled an act to provide for the education of white teachers.

Also, from the same committee, favorably to the bills—

To repeal an act enacted by the board of education to provide for a normal school at, the University of Alabama.

To repeal an act enacted by the board of education, establishing a female normal school for the education of white female teachers, approved December 20th, 1871;

Which were severally read a third time, under a suspension of the constitutional rule, and passed.

By leave, Mr. Sims, from a special committee, reported a substitute for the bill—

To change the line between the counties of Lee and Chambers.

The substitute was adopted, and the bill read a third time and passed by the constitutional majority of two-thirds.

The title was amended so as to read—

To change the line between Lee and Chambers counties, so as to include the south-west  $\frac{1}{4}$  of section 8, township 20, range 25, in Lee county.

The business in order being the report of the committee

on the location of the agricultural and mechanical college, to the bill—

To establish an agricultural and mechanical college at Florence, Alabama.

Mr. Lowe moved to postpone the consideration of the bill until to-morrow morning 10 o'clock ;

Which was lost.

Mr. Toulmin moved to suspend the consideration of the bill to allow the committee on internal improvements to report a bill on the subject of swamp and overflowed lands.

Mr. Lowe moved to amend by allowing him to introduce a bill.

The amendment was adopted, and the motion, as amended, was adopted.

Whereupon, Mr. Lowe introduced a bill—

To provide for the reduction of the liabilities of the State of Alabama, by the substitution of State bonds to the amount of \$4,000 per mile, in lieu of the State indorsement heretofore authorized of the bonds of various railroad companies entitled thereto ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Boyd moved to amend by additional sections, as 4, 5, and 6;

Which was adopted.

Mr. Hewitt moved to amend by an additional section as section 7, as follows :

That the provisions of this act shall not apply to the South and North Alabama, the Mobile and Montgomery, and Montgomery and Eufaula and the Vicksburg and Brunswick railroad companies ;

Which was lost.

And the bill was referred to the committee on internal improvements.

#### INTERNAL IMPROVEMENTS.

Mr. Lowe, from the committee on internal improvements, reported a substitute to the bill—

To authorize the sale of swamp and overflowed lands to the Mobile and North Western railroad company, on the terms therein stated.

Mr. Bulger moved to amend by proviso, as follows :

Provided, That the said railroad company shall pay all such costs and expenses due by the State on account of these lands,

and shall pay into the treasury of the State the nett sum of two cents an acre for said lands ;

Which was adopted.

Mr. Ellison moved to amend by proviso, as follows :

Provided further, Said railroad company shall complete their said road within five years from the passage of this act ; and on the failure of said railroad company to complete its road within said time, the title of said lands shall revert to the State.

Mr. Dustan moved to lay the bill on the table ;

Which was lost,

And the amendment was adopted.

The substitute was adopted ;

And the bill read a third time, under a suspension of the constitutional rule, and passed—Yeas 38, nays 35.

Yeas—Messrs. Alley, Benson, Black, Bullock, Calloway, Carmichael, Curtis, Diggs, Dustan, Ellison, Graham, Grayson of Clarke, Grayson of Madison, Green, Henderson, Hodo, Holmes of Sumter, Howell, Johnson of Coosa, Kennedy, King, Lindsay, Lowe, McDermott, Moore, Murrah, Nininger, Oates, Perrin, Powell, Semmes, St. Clair, Strauss, Thompson, Toulmin, Tyler, Wells and Williams—38.

Nays—Messrs. Speaker, Appleton, Ashurst, Boyd, Bradford, Bulger, Carlin, Clements, Cochran, Cowan, Crook, Davis, Dozier, Drake, Gunn, Hamilton, Henry, Hewitt, Hitchcock, Hurt, Johnson of Dallas, Lewis, Lumpkin, McCall, Payne, Sims, Smith of Sumter, Smitherman, Speake, Steele, Taylor of Lauderdale, Taylor of Winston, Weatherford, White and Wyman—35.

The House resumed the consideration of the bill—

To establish an agricultural and mechanical college at Florence.

On motion of Mr. Lowe—

Its further consideration was suspended to consider the bill—

To regulate elections in this State ;

And on this motion,

Its further consideration was postponed, and made the special order for to-morrow afternoon at 4 o'clock.

Mr. Lowe moved to reconsider the vote on the passage of the bill—

To authorize the sale of the swamp and overflowed lands to the Mobile and Northwestern railroad company on the terms therein stated.

Mr. Carmichael moved to lay the motion to reconsider on the table.

Mr. Boyd moved to postpone the consideration of the motion to reconsider until to-morrow at 11 o'clock ;

Which motion being put, was lost ;

When, on motion to Mr. Hewitt—

The House adjourned until to-morrow morning 10 o'clock.

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## FIFTY-SIXTH DAY.

TUESDAY, February 13, 1872.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Gunn.

The journal of yesterday was read and approved.

To amend the 3d and 8th sections of an act to incorporate the Pensacola and Mobile railroad company ;

With amendments thereto,

Which was adopted.

Mr. Boyd moved to amend as follows :

Provided, That in no event shall said road have or receive the aid of the State by indorsement of its bonds, or otherwise ;

Which was lost,

And the bill read a third time, under a suspension of the constitutional rule, and passed—Yeas 61, nays 8.

Yeas— Messrs. Speaker, Alley, Appleton, Benson, Black, Bullock, Calloway, Carmichael, Clark, Coleman, Cowan, Craig, Curtis, Davis, Dozier, Dustan, Ellison, Etheridge, Gaskin, Gee, Graham, Grayson of Clarke, Gunn, Hewitt, Holmes of Baldwin, Hurt, Johnson of Coosa, Johnson of Dallas, Kennedy, King, Lewis, Lindsay, Lowe, McCaskey, McDermott, Marlowe, Moore, Murrah, Nininger, Payne, Perrin, Powell, Rice, Sims, Semmes, Smith of Sumter, Smitherman, Speake, St. Clair, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Thompson, Toulmin, Tyler, Ware, Wells, White and Williams—61.

Nays—Messrs. Boyd, Bulger, Clements, Grayson of Madison, Hamilton, Hodo, Holmes of Sumter, and Lumpkin.

The House proceeded to consider the question pending at adjournment on yesterday, to-wit, the motion of Mr. Car-



michael to lay on the table the motion to reconsider the vote on the passage of the bill—

To authorize the sale of the swamp and overflowed lands to the Mobile and Northwestern railroad company on the terms therein stated ;

Which was carried—Yeas 43, nays 34.

Yeas—Messrs. Alley, Benson, Black, Bullock, Calloway, Carmichael, Clark, Coleman, Craig, Curtis, Diggs, Dozier, Dustan, Ellison, Etheridge, Gaskin, Gee, Graham, Grayson of Clarke, Grayson of Madison. Green, Henderson, Hodo, Holmes of Baldwin, Johnson of Coosa, Johnson of Dallas, Kennedy, King, Lindsay, Lowe, McDermott, Marlowe, Murrah, Perrin, Rice, Semmes, St. Clair, Strauss, Thompson, Toulmin, Tyler, Wells and Williams—43.

Nays—Messrs. Speaker, Appleton, Boyd, Bradford, Bulger, Clements, Cowan, Crook, Davis, Gunn, Hamilton, Hewitt, Hitchcock, Holmes of Sumter, Howell, Hurt, Leath, Lewis, Lumpkin, McCall, Payne, Powell, Sims, Smith of Sumter, Smitherman, Speake, Steele, Taylor of Lauderdale, Taylor of Winston, Toomer, Ware, Weatherford, White and Wyman—34.

Mr. Thompson moved to reconsider the vote had on yesterday on the passage of the bill—

To authorize the city council of Montgomery to issue and sell bonds of said city to an amount not exceeding \$50,000, for the purpose of paying or adjusting certain bonds issued and delivered by said city to the Montgomery and Wetumpka Plank Road company, in the event of a recovery and adjustment ;

Which motion was lost.

By leave, Mr. Lowe offered

Joint resolutions memorializing the president of the United States in behalf of the farming interests of Alabama ;

Which were read and adopted.

The House proceeded to the consideration of the bill—

To protect the interests of the State in the Alabama and Chattanooga railroad ;

The question being on the adoption of the substitute offered by Mr. Oates.

Mr. Hewitt moved to amend the substitute of Mr. Oates by way of substitute ;

Which was lost.

Mr. Hewitt moved to amend the substitute offered by Mr. Oates—

By striking out "Governor," and inserting " commissioners hereafter to be appointed ;" strike out the word " he," in line 2, and insert the word " three ;" strike out the word " his," where it occurs in line 3, and insert " their ;" strike out the words, " the governor is hereby authorized to appoint three commissioners," in first line of section 3, and insert "Newton L. Whitfield, — —, are hereby appointed commissioners ;" add at the end of the 3d section, " and to do and perform all other acts and duties as are required of them under the provisions of this act."

Strikeout the words " the oath prescribed for civil officers of this State," in third line of section 4, and insert the following:

" An oath to perform their duties under this act faithfully, without favor or partiality, to the best of their ability."

Strike out the word " Governor," in third line of section 11, and insert " commissioners."

Also in the seventh line of same section.

Also in the first line of section 12.

Also in the first line of section 14.

Also, in the fifth line of section 15.

Which were adopted.

Mr. Taylor to Lauderdale moved to strike out section 9 ;

Which carried.

Yeas 54, nays 21.

Yeas—Messrs. Speaker, Alley, Appleton, Ashurst, Boyd, Bradford, Bulger, Calloway, Carlin, Clark, Cochran, Crook, Curtis, Davis Dozier, Drake, Etheridge, Gee, Green, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Johnson of Coosa, Johnson of Dallas, Leath, Lewis, Lumpkin, McCall, McCall, McCaskey, Marlowe, Murrah, Nininger, Payne, Perrin, Powell, Semmes, Sims, Smitherman. Speake, St. Clair, Speed, Taylor of Lauderdale, Taylor of Winston, Thompson, Tyler, Ware, Weatherford, Wells, White and Williams — 54.

Nays—Messrs. Bullock, Clements, Cowan, Craig, Doster, Gaskin, Grayson of Clarke, Grayson of Madison, Gunn, Henderson, Howell, Hurt, Kennedy, King, Lindsay, Lowe, Rice, Smith of Sumter, Steele, Strauss and Toulmin—21.

Mr. Leath moved to fill blank in section 1 with the names of W. S. Mudd and R. B. Kyle ;

On motion of Mr. Alley—

The amendment was laid on the table.

Mr. Boyd moved to lay the substitute on the table ;

Which was lost.

Yeas 36, nays 45.

Yeas—Messrs. Speaker, Alley, Ashurst, Boyd, Bradford, Bulger, Clark, Cochran, Crook, Curtis, Dozier, Drake, Dustan, Ellison, Gee, Green, Gunn, Hamilton, Henderson, Hodo, Henry, Johnson of Dallas, Leath, Lewis, McCall, Nininger, Payne, Perrin, Semmes, Smitherman, St. Clair, Steele, Speed, Thompson, Tyler and Wells—36.

Nays—Messrs. Appleton, Bullock, Calloway, Carlin, Carmichael, Clements, Cowan, Craig, Davis, Doster, Etheridge, Gaskin, Graham, Grayson of Clarke, Grayson of Madison, Hewitt, Hitchcock, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, King, Lindsay, Lowe, McCaskey, Marlowe, Moore, Murrah, Powell, Rice, Sims, Smith of Sumter, Speake, Strauss, Taylor of Landerdale, Taylor of Winston, Toomer, Toulmin, Ware, Weatherford, White, Williams and Wyman—45.

Mr. Smith of Sumter moved to fill the blank in section 1 with the names of Thomas H. Herndon and Jas. L. Sheffield. Mr. Hewitt moved to amend the amendment by striking out "Thos. H. Herndon" and inserting the name of M. T. Porter.

Mr. Powell moved to amend by striking out "Jas. L. Sheffield" and inserting "John T. Milner."

Mr. Lowe moved to lay the amendment of Mr. Powell on the table ;

Which was lost.

Yeas 36, nays 40.

Yeas—Messrs. Appleton, Ashurst, Boyd, Bulger, Bullock, Clements, Cowan, Crook, Dustan, Graham, Grayson of Clarke, Grayson of Madison, Hamilton, Henry, Hitchcock, Hodo, Holmes of Sumter, Hurt, Kennedy, Leath, Lewis, Lindsay, Lowe, Lumpkin, Murrah, Rice, Rice, Sims, Smith of Sumter, Smitherman, Speake, St. Clair, Steele, Speed, Taylor of Winston, Weatherford and Wyman—36.

Nays—Messrs. Speaker, Alley, Ashurst, Black, Boyd, Bradford, Bulger, Clark, Clements, Crook, Curtis, Dozier, Drake, Dustan, Gaskin, Gee, Green, Hamilton, Henderson, Henry, Hodo, Holmes of Baldwin, Johnson of Dallas, Kennedy, King, Leath, Lewis, McCall, McCaskey, Murrah, Perrin, St. Clair, Steele, Speed, Taylor of Lauderdale, Taylor of Winston, Thompson, Tyler, White and Wyman—40.

Message from the Senate, by Mr. Whiting :

SENATE CHAMBER,  
February 13, 1872. }

Mr. Speaker :

The Senate has passed House bills as follows :  
To revive the charter of the town of Salem, Lee county.  
For the relief of N. J. Skaggs, of Talladega county.  
And has amended as therein shown, and passed House bill,  
To allow prosecutors to have counsel in criminal cases, who  
shall be leading counsel in such cases.  
M. P. BLUE,  
Secretary.

SENATE CHAMBER,  
Montgomery, February 13, 1872. }

Mr. Speaker :

The Senate has originated and adopted joint resolution—  
In regard to sale of lands in Mobile,  
As herewith transmitted.  
M. P. BLUE,  
Secretary.

On motion of Mr. Bradford—  
The question before the House was suspended to consider  
the amendment of the Senate to the bill—  
To allow prosecutors to have counsel in criminal cases, who  
shall be leading counsel in such cases ;  
And the amendment of the Senate was concurred in.  
The House resumed the consideration of the pending  
question.

Mr. Dustan moved to amend the bill by way of substitute.  
Mr. Dustan moved to postpone the further consideration of  
the bill until to-morrow 10 o'clock, and that one hundred  
copies of the substitute be printed.

Mr. Bulger moved to lay Mr. Dustan's motion on the table ;  
Which was lost.  
Yeas 38, nays 40.

Yeas—Messrs. Boyd, Bulger, Bullock, Clements, Cowan,  
Crook, Davis, Grayson of Clarke, Grayson of Madison, Gunn,  
Hamilton, Henry, Hewitt, Hitchcock, Hodo, Holmes of Bald-  
win, Holmes of Sumter, Howell, Hurt, Johnson of Coosa,  
Kennedy, Leath, Lindsay, McCall, Murrah, Oates, Payne,  
Rice, Sims, Smith of Sumter, Speake, Steele, Strauss, Taylor

of Lauderdale, Toulmin Ware, Weatherford and Wyman—38.

Nays—Messrs. Speaker, Ashurst, Black, Calloway, Carlin, Carmichael, Clark, Cochran, Coleman, Craig, Curtis, Doster, Dozier, Drake, Dustan, Etheridge, Gaskin, Gee, Graham, Green, Henderson, Johnson of Dallas, King, Lewis, Lowe, Lumpkin, McCaskey, Marlowe, Moore, Nininger, Perrin, Powell, Speed, Taylor to Winston, Thompson, Tyler, Wells, White and Williams—40.

The question recurring on the motion of Mr. Dustan,

It was put and lost.

Mr. Bulger moved the previous question ;

Pending the consideration of which,

On motion of Mr. Lewis—

The House adjourned until 4 o'clock this afternoon.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

#### LEAVE OF ABSENCE.

Leave of absence was granted Mr. Smith of Greene indefinitely, on account of sickness in his family.

#### ENROLLED BILLS.

Mr. Powell, from the committee on enrolled bills, reported the following correctly enrolled ;

For the relief of N. J. Skaggs of Talladega county.

To revise the charter of the town of Salem, Lee county.

#### BILLS INTRODUCED.

The special order for this hour being suspended—

By leave, Mr. Lewis, introduced bills:

To incorporate the town of Calera, in Shelby county.

To amend an act to incorporate the town of Columbiana, in Shelby county;

Which were severally read three times, under a suspension of the constitutional rule, and passed.

On motion of Mr. Powell—

The House proceeded to consider the motion to reconsider the vote, pending at adjournment on the 3d inst., on the passage of the bill—

To amend an act entitled an act to amend section 11 of an

act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within the State.

And the vote on the passage of the bill was reconsidered.

#### SPECIAL ORDER .

The House proceeded to the consideration of the special order for 4 o'clock, it being the bill—

To regulate elections in the State of Alabama.

The previous question having been ordered, the question pending was on ordering the bill to a third reading ;

And the bill was ordered to be engrossed for a third reading on to-morrow.

The House proceeded to the consideration of the bill reported by the committee, on the location of the agricultural and mechanical college, to-wit :

The bill—

To establish an agricultural and mechanical college at Florence.

Mr. Marlowe, from the committee, submitted the following minority

#### REPORT:

After a careful examination of the claims of the various places submitted for our consideration, and a relative comparison of the same, we find that while Auburn presents equal claims to any mentioned, as regards accessibility, value of the property, society and healthfulness, it far exceeds any other in availability ; for instance, by comparison with the property at Florence, we find the college building of the latter to be partly three and partly one story high, and to contain ten rooms. We find the building at Auburn to be a four story building, containing thirty-seven rooms. We find the Florence building to have cost thirty thousand dollars, the president's house offered therewith, five thousand dollars, and estimating the land tendered at four thousand dollars, we have an aggregate tender of thirty-nine thousand dollars.

Whereas, the Auburn building cost ninety thousand dollars, which, with the apparatus, cabinet, libraries and furniture, estimated at seventeen thousand two hundred dollars, and two hundred acres of land, with four thousand dollars, gives an aggregate tender of one hundred and eleven thousand two hundred dollars.

Again, both the Florence and Auburn colleges have been under the control, and considered the property of the Methodist church, and while we find a proper relinquishment by the Alabama Conference at its recent session in Mobile, to the Auburn property ; we find none such from those bodies which have jurisdiction over that at Florence.

We, therefore, recommend that the tender made by the trustees of East Alabama male college be accepted, and the agricultural and mechanical college located at Auburn.

GEO. F. MARLOWE,  
W. MURRAH,  
JONATHAN WARE,  
J. H. DAVIS,  
JOHN NININGER.

On motion of Mr. Taylor, of Lauderdale—

The House then went into committee of the whole, to consider the location of the agricultural and mechanical college.

Mr. Speaker called Mr. Bullock to the chair.

After some time spent therein, the committee rose, and through its chairman reported that the committee had come to no definite conclusion in relation to the bill referred to them, and asked leave to sit again.

On motion of Mr. Hewitt—

The further consideration of the bill was postponed and made the special order for 4: o'clock to-morrow afternoon.

On motion of Mr. Alley—

The House then adjourned until to-morrow morning 10 o'clock.

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## FIFTY-SEVENTH DAY.

WEDNESDAY, February 14, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Howell, of the House.

The journal of yesterday was read and approved.

The House proceeded to the consideration of the bill—

To regulate elections in the State of Alabama :

Which was read a third time, and passed,

And ordered to be sent forthwith to the Senate.

Mr. Bulger moved to suspend the regular order of business to consider the Senate bill—

In relation to the State bonds of Alabama.

Mr. Boyd moved to amend, by considering all Senate bills ;

Which was adopted.

The Senate bill—

In relation to the State bonds of Alabama ;

Was read three times, under a suspension of the constitutional rule, and passed.

Yeas 76, nays 1.

Yeas—Messrs. Speaker, Alley, Appleton, Ashurst, Benson, Black, Boyd, Bulger, Bullock, Calloway, Carlin, Carmichael, Clark, Cochran, Cowan, Craig, Crook, Curtis, Davis, Diggs, Doster, Dozier, Dustan, Ellison, Etheridge, Gee, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Green, Gunn, Hamilton, Hewitt, Hitchcock, Hodo, Holmes to Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, Kennedy, Leath, Lindsay, Lowe, Lumpkin, McCall, McDermott, Mancill, Miller, Murrah, Nininger, Oates, Rice, Semmes, Sims, Smith of Sumter, Smitherman, Speake, St. Clair, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Thompson, Toulmin, Tyler, Ware, Weatherford, Wells, White and Williams—76.

Nay Mr. Powell 1.

On motion of Mr. Wyman—

The vote taken on the adoption of the substitute of Mr. Oates to the bill—

To protect the interests of the State of Alabama in Alabama and Chattanooga railroad ;

Was reconsidered.

Yeas 44, nays 34:.

Yeas—Messrs. Benson, Bullock, Calloway, Carmichael, Clements, Coleman, Cowan, Craig, Curtis, Davis, Doster, Dozier, Ellison, Graham, Grayson of Clarke, Grayson of Madison, Green, Hewitt, Hitchcock, Howell, Hurt, Johnson of Coosa, King, Lindsay, Lowe, Lumpkin, McCaskey, Moore, Murrah, Oates, Perrin, Powell, Rice, Semmes, Sims, Smith of Sumter, Smitherman, St. Clair, Taylor of Lauderdale, Thompson, Ware, Wells Williams and Wyman—44.

Nays—Messrs. Speaker, Alley, Appleton, Ashurst, Black, Boyd, Bulger, Carlin, Clark, Cochran, Crook, Dustan, Gas-kin, Gee, Gilchrist, Gunn, Hamilton, Henderson, Henry,



Hodo, Holmes of Baldwin, Holmes of Sumter, Leath, Lewis, McCall, McDermott, Nininger, Speake, Steele, Strauss, Toulmin, Tyler, Weatherford and White—34.

The Senate bill—

Supplemental to an act incorporating the town of Oxford, Calhoun county ;

Was read a third time, and passed.

The Senate bill—

To raise a fund for the benefit of the fire companies for the cities of Montgomery, Selma and Eufaula;

Was read a second time.

Mr. Thompson moved to amend the bill, by inserting a clause to repeal the last clause of section 1186 of the Revised Code, so far as applies to the cities mentioned in the bill;

Which was lost.

Mr. Lewis moved to strike out "three per cent," and insert one half of one per cent. "

Mr. Williams moved to lay the amendment on the table ;

Which was lost.

Yeas 25, nays 48.

Yeas—Messrs. Alley, Black, Carlin, Cochran, Dozier, Dustan, Ellison, Gaskin, Gee, Graham, Henderson, Johnson of Dallas, King, Lowe, McCall, McDermott, Moore, Nininger, Rice, Speake, St. Clair, Speed, Weatherford, Wells and Williams—25.

Nays—Messrs. Speaker, Appleton, Ashurst, Benson, Boyd, Bullock, Clements, Cowan, Crook, Davis, Doster, Etheridge, Gilchrist, Grayson of Clarke, Grayson of Madison, Green, Gunn, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Lewis, Leath, Lindsay, Lumpkin, McCaskey, Mancil, Murrah, Oates, Payne, Powell, Sims, Smitherman, Strauss, Taylor of Lauderdale, Taylor of Winston, Thompson, Toulmin, Tyler, Ware and White—48.

Mr. Dustan moved to amend the amendment of Mr. Lewis, by striking out  $\frac{1}{2}$  of one per cent. and inserting two and a half per cent ;

Which was laid on the table.

Yeas 40, nays 31.

Yeas—Messrs. Speaker, Alley, Appleton, Benson, Boyd, Bulger, Bullock, Clements, Coleman, Craig, Crook, Etheridge, Gilchrist, Grayson of Clark, Grayson of Madison, Gunn, Hamilton, Henry, Hewitt, Hodo, Holmes of Baldwin, Holmes

of Sumter, Howell, Hurt, Kennedy, Lewis, Lindsay, Miller, Moore, Murrah, Payne, Sims, Smith of Sumter, Smitherman, Strauss, Taylor of Lauderdale, Thompson, Toulmin, White and Wyman—40.

Nays—Messrs. Black, Carlin, Cochran, Cowan, Davis, Doster, Dozier, Dustan, Gaskin, Gee, Graham, Green, Johnson of Dallas, King, Leath, Lowe, McCall, McCaskey, Mancil, Nininger, Perrin, Powell, Rice, Speake, St. Clair, Speed, Taylor of Winston, Tyler, Ware, Wells and Williams—31.

Mr. Williams moved to amend the amendment of Mr. Lewis, by striking out of one per cent. and inserting two per cent.

Mr. Bullock moved to lay the amendment on the table ;  
Which was lost.

Mr. Thompson moved the indefinite postponement of the bill;

Which was carried.

Yeas 39, nays 29.

Yeas—Messrs. Speaker, Alley, Boyd, Bullock, Crook, Gee, Gilchrist, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Hurt, Johnson of Coosa, Johnson of Dallas, Kennedy, Leath, Lewis, Lindsay, Lumpkin, McCaskey, Miller, Murrah, Rice, Smith of Sumter, Smitherman, Steele, Taylor of Lauderdale, Taylor of Winston, Thompson, Toulmin, Ware, White and Wyman—39.

Nays—Messrs. Ashurst, Black, Bulger, Calloway, Carlin, Clark, Cochran, Coleman, Cowan, Davis, Doster, Dozier, Dustan, Etheridge, Gaskin, Graham, Green, Howell, McCall, Nininger, Payne, Perrin, Powell, Semmes, Speake, Speed, Tyler, Wells and Williams—29.

The following message from the Senate, by Mr. Whiting, was received:

SENATE CHAMBER,  
Montgomery, Feb. 14, 1872.}

Mr. Speaker :

The Senate has originated and passed bills as follows—

Authorizing, and in relation to certain aid to be given by the county of Montgomery, on conditions in said act stated, to a road to be incorporated and known as the Montgomery County railroad company.

For the relief of Sam. F. Beall, late tax collector of Franklin county.

And has originated and passed a bill—

To appropriate six hundred dollars for the purpose of distributing the acts to the present session of the General Assembly and the journals of the Senate and House of Representatives.

And passed House bill—

To authorize the issuance of county bonds by the court of county commissioners of Elmore county.

The Senate has passed House bills as follows;

To fix the time and place of holding the chancery court in the districts composed of the counties of Barbour, Henry and Dale, of the eastern chancery division of Alabama.

M. P. BLUE,  
Secretary.

#### ENROLLED BILLS.

Mr. Powell, from the committee on enrolled bills, reported the following as correctly enrolled :

To authorize the court of county commissioners of Elmore county to issue county bonds.

The Senate bill —

In relation to mechanics liens within the State of Alabama, Which was read twice, under a suspension of the constitutional rule, and referred to a special committee of five as follows :

Messrs. Black, White, Holmes of Sumter, Davis and Hamilton.

The Senate bill for the relief of Mary S. Smith of Autauga county;

Was read twice, under a suspension of the constitutional rule, and referred to the committee on local legislation.

The Senate memorial and joint resolution to the Congress of the United States;

Which was read and adopted—

The Senate bills—

For the relief of the estate of A. S. Hill, late of Barbour county.

To authorize the corporate authorities of Tuscumbia to contribute to the erection of a female institute.

For the relief of Young C. Hall, administratrix of the estate of Charles Hall, deceased, in the county of Baldwin.

For the relief of Tamah H. Cantrell, administratrix of John P. Cantrell, deceased.

To appropriate six hundred dollars for the purpose of distributing the acts of the present session of the General Assembly and the journals of the Senate and House of Representatives.

Which were severally read three times, under a suspension of the constitutional rule, and passed.

The Senate bill—

For the relief of B. M. Cartledge of Butler county ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Steele moved to amend, by inserting the name of G. L. Wingo of Colbert county ;

Which was adopted.

Mr. Williams moved to amend, by inserting the name of Charles L. Watts of Montgomery county;

Which was adopted;

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

The Senate bill—

To encourage the publication of a new edition of Professor Tuomey's first report on the geology of Alabama;

Was referred to a special committee of five.

The Senate bill—

To authorize the governor to subscribe for a map of Alabama ;

Being on its passage, its further consideration was indefinitely postponed.

The Senate bill —

To authorize Friendly Grubbs, of Barbour county, and Samuel N. Brown, of Macon county, to peddle and auction without a license or tax ;

Being on its second reading, the question pending being on concurring in the adverse report of the committee—

The report was not concurred in ;

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

Message from the Senate by Mr. Whiting :

SENATE CHAMBER,  
 Montgomery, Feb. 14, 1872. }  
 Mr. Speaker:

The Senate has originated and passed the following bills :

To amend an act to incorporate the town of Cherokee, in Colbert county.

To make Mrs. Melissa A. Smith, of Montgomery county, a free dealer.

For the relief of Henry P. Barden, of Colbert county, and Spencer Hurt and Judson Lord, of Pike county.

To repeal an act entitled an act to incorporate the town of Blountsville, in Blount county, approved February 7, 1870.

To authorize Susan A. Tidwell, of Blount county, to sell certain lands.

To authorize Asa Blakey, of Barbour county, to paddle in said county without license.

To prohibit the sale of spirituous liquors within two miles of Sandy Ridge church, in Barbour county.

To prevent frauds and errors in the weighing of cotton and other products, in the State of Alabama.

To discontinue the freedman's hospital at Talladega, and to provide ways and means for the removal to the patients of said hospital to the respective counties from which said patients were sent.

The Senate has adopted the following preamble and resolution:

Whereas, The present session of the general assembly will be closed by operation of law on Thursday, 15th inst.; and

Whereas, grave and important measures relative to the finances of the State, the protection of the State on account of endorsements made for various railroad companies within the State, the regulation of our penitentiary, election laws, revenue laws, and other matters which can not be postponed, are now depending in said general assembly ; and

Whereas, this general assembly has not heretofore disposed of matters of the most vital importance to the people of the State ; therefore—

Be it resolved by the Senate and House of Representatives of the general assembly, That the present session be continued until the first day of March, 1872 ; Provided, said session may be closed at any time before that date, should the business before the general assembly be sooner disposed of.

M. P. BLUE,  
 Secretary.

On motion of Mr. Bulger—

To committee on ways and means were instructed to report back to the House this afternoon at four o'clock, the bill,  
Making appropriations for the fiscal year ending September 30, 1872.

#### LOCAL LEGISLATION.

By leave, Mr. Moore, from the committee on local legislation, reported, as a substitute for certain bill relieving certain persons from the disabilities of non-age, in the form of an omnibus bill.

Mr. Crook moved the indefinite postponement of the bill;  
Which was lost.

Mr. Crook moved to lay the bill on the table;  
Which was lost.

Yeas 37, nays 37.

Yeas—Messrs. Speaker, Alley, Benson, Bulger, Bullock, Carlin, Clements, Crook, Dozier, Etheridge, Graham, Green, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Hurt, Johnson of Coosa, Leath, Lewis, Lindsay, Lumpkin, Mancill, Miller, Payne, Rice, Semmes, Smitherman, Strauss, Taylor of Lauderdale, Ware, Wells, White, Williams and Wyman—37.

Nays—Messrs. Appleton, Black, Boyd, Calloway, Carmichael, Clark, Cochran, Coleman, Cowan, Craig, Curtis, Davis, Diggs, Drake, Dustan, Gaskin, Gee, Henderson, Holmes of Sumter, Johnson of Dallas, King, McCaskey, McDermott, Marlowe, Moore, Murrah, Nininger, Perrin, Powell, Speake, St. Clair, Steele, Speed, Taylor to Winston, Thompson and Tyler—37.

Mr. Hamilton moved to amend by striking out all the names in the bill, and inserting "all persons in the State over the age to fifteen years,"

Which was adopted.

On motion of Mr. Henry—

The further consideration of the bill was indefinitely postponed.

Yeas 60, nays 13.

Yeas—Messrs. Speaker, Alley, Ashurst, Benson, Boyd, Bulger, Bullock, Carlin, Clements, Coleman, Cowan, Crook, Curtis, Dozier, Drake, Ellison, Etheridge, Gee, Graham, Grayson of Clarke, Green, Hamilton, Henderson, Henry, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Howell, Hurt, Johnson

of Coosa, Johnson of Dallas, King, Leath, Lewis, Lindsay, Lumpkin, McDermott, Mancill, Miller, Murrah, Nininger, Payne, Powell, Rice, Semmes, Smitherman, St. Clair, Steele, Speed, Strauss, Taylor of Lauderdale, Taylor of Winston, Toulmin, Tyler, Ware, Wells, White and Wyman—60.

Nays—Messrs. Appleton, Black, Callaway, Clark, Cochran, Davis, Diggs, Gaskin, Gunn, Kennedy, Moore, Speake and Thompson—13.

#### LOCAL LEGISLATION.

By leave, Mr. Moore, from the committee on local legislation, reported a substitute for sundry bills, making certain married women free dealers.

On motion of Mr. Crook— .

The consideration of the bill was indefinitely postponed.

Yeas 60, nays 15.

Yeas—Messrs. Speaker, Alley, Benson, Boyd, Bulger, Bullock, Calloway, Carlin, Carmichael, Clark, Clements, Crook, Curtis, Doster, Dozier, Drake, Ellison, Etheridge, Gaskin, Gilchrist, Graham, Grayson of Clarke, Green, Hamilton, Henderson, Henry, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Hurt, Johnson of Coosa, King, Leath, Lewis, Lindsay, Lowe, Lumpkin, McDermott, Mancill, Marlowe, Miller, Murrah, Nininger, Payne, Powell, Rice, Smitherman, Speake, St. Clair, Strauss, Taylor of Lauderdale, Taylor of Winston, Toomer, Toulmin, Tyler, Ware, Wells, White and Wyman—60.

Nays—Messrs. Appleton, Coleman, Cowan, Craig, Davis, Diggs, Dustan, Gee, Johnson of Dallas, Kennedy, McCall, Moore, Steele, Speed and Waterford—15.

#### SPECIAL COMMITTEE.

Mr. Bullock, from the special committee appointed to consider official reports of the superintendent of public instruction, and to report upon the condition of the accounts of the several county superintendents, and to report what legislation may be necessary to secure the prompt payment by the treasurer of all warrants which have been or may be issued during the present year for educational purposes, respectfully submit the following report :

That an apparent discrepancy exists between the report of the superintendent of public instruction relative to the statement showing amount of disbursements for the years 1866 and 1867, and the tabular statements of the officers appointed

to examine State offices, which is accounted for, as will be seen from the testimony hereunto annexed of John A. Graham, one of the officers appointed for that purpose, from the fact that the report of the superintendent of public instruction, in his statement, exhibits the amount of disbursements upon appropriations made specially (Acts 1869-70, pp. 108-9,) for the years 1868, 1867 and 1866 ; whereas, the tabular statement of the officers to examine State offices allows the whole amount of disbursements from other sources. An examination of the testimony hereunto annexed will conclusively show that the discrepancy seemingly existing between the two statements is readily accounted for.

Secondly. As to the accounts of the several county superintendents, the testimony of James K. Stewart, clerk of the special committee, hereunto appended, will show the condition of the books of the superintendent of public instruction smce the present incumbent has been administering the affairs of the educational department of the State, and also the confused condition of the books and papers of the former superintendent of public instruction. It has been impossible for your committee to examine the vouchers of the county superintendents on file in the office of the superintendent of public instruction, and the committee has been compelled to adopt the statement of the clerk of the committee hereunto appended, which he says has been carefully taken from the books in the office.

Third. As the funds for educational purposes are not kept separate from other funds in the treasury, and the raising of revenue for the purpose of meeting the expenses necessary for administering the State government more properly belongs to the committee on ways and means, the special committee does not think it incumbent upon them to recommend any additional legislation to secure the prompt payment by the treasurer of warrant which have or may be issued during the present year.

All of which is respectfully submitted.

JAS. M. BULLOCK,  
Chairman Special Committee.

The report was received and the committee discharged.

#### APPROPRIATIONS.

Mr. Hurt, from the committee on appropriations, reported favorably to the Senate joint resolution—

For paying the expenses incurred by the Senate committee



for investigation of the condition and management of the Alabama and Chattanooga railroad.

Mr. Leath moved to amend the bill by striking out "\$1910" and inserting " \$250."

Mr. Alley moved to lay the amendment on the table ;

Which was lost.

The question being on the adoption of the amendment, it was lost.

And on motion of Mr. Lewis, the bill was referred to a special committee of three, as follows : Messrs. Oates, Doster and Taylor of Lauderdale.

#### SPECIAL COMMITTEE.

Mr. Oates, from special committee, reported favorably to the bill—

To amend sections 4, C, 9 and 12 of "An act to amend the charter of the city of Montgomery and the various laws heretofore passed amending said charter," approved March 3d, 1870, with amendments thereto ;

Which were adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. Leath, from special committee to which was referred the petition of the laborers and track hands on the Alabama and Chattanooga railroad, reported a bill—

For the relief of the laborers and track hands of the Alabama and Chattanooga railroad, since the seizure of said road by the State ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Oates moved to postpone its further consideration until 11 o'clock to-morrow ;

Which was lost, and the bill was referred to a special committee of three, as follows : Messrs. Oates, Leath and Wyman.

#### ADJOURNMENT.

On motion of Mr. Lowe—

The House proceeded to the consideration of the Senate resolution rescinding the resolution to adjourn sine die to-morrow, and prolonging the session of the general assembly.

On motion of Mr. Oates—

Its further consideration was postponed until 10 minutes past 10 o'clock to-morrow morning.

On motion of Mr. Lowe—

The House adjourned until 4 o'clock this afternoon.

## AFTERNOON SESSION.

The House met pursuant to adjournment.

By leave—

Mr. Wyman, from the committee on education, reported favorably to the bill—

To authorize the governor to issue a patent conveying section 16 in township .6, range 7, west, to William H. Snow, upon certain conditions therein expressed;

Which was read a third time, under a suspension of the constitutional rule, and passed.

By leave—

Mr. Hurt offered the following resolution, which was adopted:

Resolved, That the speaker and clerk of the House be authorized to certify to two days services to Smith Campbell, as assistant door-keeper during the last session.

## CORPORATIONS.

Mr. Lewis, from the committee on corporations, reported favorably to the Senate bill—

To incorporate the hook and ladder company No. 1 of Clayton, and the hook and ladder company of Troy ;

Which was read a third time, under suspension of the constitutional rule, and passed.

On motion of Mr. Thompson—

The House proceeded to consider the Senate bill—

Authorizing and in relation to certain aid to be given by the county to Montgomery, on conditions in said act stated, to a road to be incorporated and known as the Montgomery County Railroad Company ;

Which was read twice, under a suspension of the constitutional rule, and referred to a special committee, as follows ;  
Messrs. Henry, Williams, Drake, Lowe and Hodo.

On motion of Mr. Wyman—

The House proceeded to consider the Senate bill—

For the relief of Samuel F. Bell, late tax collector of Tuscaloosa county .

Which was read three times, under a suspension of the constitutional rule, and passed.

On motion of Mr. Toomer—

The House went into committee of the whole on the bill—

To establish an agricultural and mechanical college.

Mr. Speaker called Mr. Bullock to the chair.

After some time spent therein,  
 The committee rose, and through its chairman reported  
 progress, and asked leave to sit again ;  
 When the House adjourned until to-morrow morning 10  
 o'clock.

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FIFTY-EIGHTH DAY.

THURSDAY, February 15, 1872.

The House met pursuant to adjournment.  
 Prayer by Rev. Mr. Payne.  
 The journal of yesterday was read and approved.

Message from the Governor, by Mr. Chardavoyne :

Mr. Speaker :

I am directed by the Governor to inform you that he has  
 approved the following acts originating in the House of Rep-  
 resentatives, viz :

To authorize the administrator of the estate of Alfred Ful-  
 ler, deceased, who died intestate, to sell the lands belonging  
 to said estate.

To authorize Ann Eliza Millicent James, wife of Archer  
 Bolling James, of Madison county, to mortgage her separate  
 estate in said county of Madison, for the purpose of borrow-  
 ing money.

To regulate the enclosure of stock in a portion of the  
 county of Greene therein described.

To revive the charter of the town of Salem, Lee county.

To authorize the Memphis and Charleston railroad company  
 to issue additional bonds, to be known as consolidated bonds,  
 and to be secured by mortgage upon the property of said  
 company.

For the relief of N. J. Skaggs, of Talladega county.

W. V. CHARDAVOYNE,  
 Private Secretary.

The hour of ten minutes past ten o'clock having arrived—  
 On motion of Mr. Crook,  
 The special order for this hour was suspended, to-wit :

The resolution of the Senate prolonging the session of the general assembly to the 1st of March ;

To allow him to offer the following resolutions :

Be it resolved by the general assembly of Alabama, That the indorsement of the first mortgage bonds of, and the issue of what is known as the straight bonds to the Alabama and Chattanooga railroad company, by the State of Alabama, having been made under and by virtue of statutes which are in their nature contracts, the rights of all parties interested therein can neither be impaired or strengthened by any act of this general assembly, without coming in conflict with the constitution of the United States, and can only be determined and adjusted by the courts of the country.

Be it further resolved, That the courts having assumed jurisdiction for this purpose, any further legislation on the subject is unnecessary, inexpedient, and calculated to produce confusion and delay in the determination of these vexed questions by the lawfully constituted tribunals having jurisdiction of the same.

Mr. Gaskin moved the indefinite postponement of the resolutions.

Mr. Henry moved to lay the motion on the table ;

Which was carried.

Mr. Bullock moved to lay the resolutions on the table;

Which was carried.

Messages from the Senate, by Mr. Whiting:

SENATE CHAMBER,  
February 15, 1872. }

Mr. Speaker :

The Senate has originated and passed the following bill :

To amend an act entitled an act to amend section 11 of an act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within State ;

And ordered the same to the House without engrossment.

And has passed House bill—

To enlarge the criminal jurisdiction of justices of the peace in their respective beats or precincts in the county of Marengo.

M P. BLUE,  
Secretary.

SENATE CHAMBER,  
February 15, 1872.}

Mr. Speaker :

The Senate has originated and passed bill as follows :  
In relation to the culture of fish in the State of Alabama.  
And passed House joint memorial—

Relating to a ship communication between the waters of  
the Gulf of Mexico and the Atlantic ocean, through the  
Florida peninsula.

And has originated and passed, and ordered to the House  
without engrossment a bill—

To amend the 1st and 2d sections of an act entitled an act  
to incorporate the South and North Alabama railroad com-  
pany.

M. P. BLUE,  
Secretary.

SENATE CHAMBER,  
February 15, 1872. )

Mr. Speaker

The Senate has passed the following House bills:  
To facilitate the construction of the Mobile and Alabama  
Port Ship canal;  
To incorporate the town of Prattville.

M. P. BLUE,  
Secretary.

SENATE CHAMBER,  
February 15, 1872.}

Mr. Speaker :

The Senate has originated and passed bills as follows:  
To amend section 4342 of the Revised Code of Alabama.  
For the relief of P. W. Donaldson, of Montgomery county.

To prohibit the sale of spirituous or vinous liquors within  
two and a-half miles of Hopewell church, in Bullock county,  
and Manack, in Lowndes county, and Morning Spring church  
and masonic lodge No. 204, in Montgomery county.

M.P. BLUE,  
Secretary.

SENATE CHAMBER,  
February 15, 1872.}

Mr. Speaker:

The Senate recedes from its amendment to the House bill—  
To authorize Williamson Spears, of Coosa county, to peddle without license.

M. P. BLUE,  
Secretary.

The House proceeded to the consideration of the resolution of the Senate prolonging the present session of the general assembly until the 1st day of March.

Mr. Bullock moved to amend by striking out March 1st, and inserting February 22d, at 6 o'clock, P. M.

Mr. Henry moved to amend the amendment by striking out 6 o'clock and inserting 2 o'clock.

On motion of Mr. Grayson of Madison, the amendments were laid on the table.

Mr. Hewitt moved to amend the resolution of the Senate by striking out 1st of March and insert the 24th inst.;

Which was lost.

The question being on concurring in the resolution ;

It was put and the House refused to concur.

Yeas 16, nays 63.

Yeas—Messrs. Alley, Calloway, Dustan, Ellison, Graham, Henderson, Hitchcock, Howell, Johnson of Dallas, Lowe, McCaskey, Moore, Nininger, Semmes, Strauss—15.

Nays—Messrs. Speaker, Appleton, Ashurst, Black, Boyd, Bulger, Bullock, Carlin, Clark, Clements, Cochran, Cowan, Craig, Crook, Curtis, Davis, Diggs, Doster, Dozier, Etheridge, Gaskin, Gee, Gilchrist, Grayson of Clarke, Grayson of Madison, Green, Gunn, Hamilton, Henry, Hewitt, Holmes of Sumter, Hurt, Johnson of Coosa, Kennedy, King, Lewis, Lindsay, Lumpkin, McCall, Mancil, Marlowe, Miller, Murrah, Payne, Perrin, Powell, Rice, Smith of Sumter, Smitherman, Speake, Steele, Speed, Taylor of Lauderdale, Taylor of Winston, Thompson, Toulmin, Tyler, Ware, Weatherford, Wells, White, Williams and Wyman—63.

The House proceeded to the consideration of the bill—

To protect the interest of the State of Alabama in the Alabama & Chattanooga Railroad.

The question being on the previous question ordered by Mr. Bulger ;

And the question being, "Shall the main question be now put," it was put and lost.

Mr. Ellison moved the indefinite postponement of the bill ;  
Which was put and lost.

Yeas 22, nays 45.

Yeas—Messrs. Benson, Black, Cochran, Cowan, Doster, Ellison, Henderson, Hitchcock, Holmes of Sumter, Johnson of Coosa, Lindsay, Lowe, Lumpkin, McDermott, Nininger, Rice, Semmes, Steele, Strauss, Taylor of Winston, Toulmin and Ware—22.

Nays—Messrs. Speaker, Ashurst, Boyd, Bulger, Bullock, Carlin, Clark, Clements, Craig, Crook, Davis, Diggs, Dozier, Dustan, Gilchrist, Graham, Green, Gunn, Hamilton, Henry, Hewitt, Hodo, Howell, Hurt, Johnson of Dallas, King, Lewis, McCall, Marlowe, Miller, Murrah, Payne; Perrin, Powell, Simms, Smitherman; St. Clair, Speed, Thompson, Tyler, Weatherford, Wells, White, Williams and Wyman—45.

The question pending being on the adoption of the substitute offered by Mr. Oates;

Which was put and carried.

#### WAYS AND MEANS.

On motion of Mr. Boyd the further consideration of the bill was suspended to allow the committee on ways and means to report the appropriation bill

Whereupon Mr. Hodo, from the committee on ways and means, reported favorably to the Senate bill—

Making appropriations for the fiscal year ending 30th September, 1872.

Mr. Dustan moved to amend by adding as follows :

The sum of one thousand nine hundred and ten dollars, to pay expenses of the Senate special committee to investigate the management of the Alabama and Chattanooga Railroad ;

Which was laid on the table, on motion of Mr. Bullock.

Yeas 47, nays 21.

Yeas—Messrs. Speaker, Ashurst, Appleton, Benson, Bulger, Bullock, Calloway, Clements, Coleman, Cowan, Davis, Diggs, Doster, Drake, Etheridge, Gilchrist, Graham, Grayson of Clark, Gunn, Hamilton, Henry, Henderson, Hewitt, Hitchcock, Holmes, Hurt, Johnson of Coosa, Lewis, Lindsay, Lumpkin, McCall, McDermott, Marlowe, Moore, Murrah, Nininger, Payne, Perrin, Powell, Rice, Sims, Speake, Steele, Strauss, Toulmin, Ware and White—47.

Nays—Messrs. Alley, Black, Boyd, Carlin, Clarke, Cochran, Craig, Curtis, Dozier, Dustan, Gaskin, Gee, Green, Johnson of Dallas, King, St. Clair, Taylor of Winston, Thompson, Tyler, Williams and Wyman—21.

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Bullock moved to reconsider the vote refusing to concur in the resolution of the Senate in relation to adjournment sine die, prolonging the session until the first day of March.

Mr. Bulger moved that the House do now adjourn sine die ; Which was lost.

Yeas 18, nays 62.

Yeas—Messrs. Speaker, Ashurst, Black, Bulger, Clark, Gaskin, Gilchrist, Graham, Greene, Hamilton, Hodo, Holmes of Sumter, Kennedy, McCall, Marlowe, Steele, Toomer and Weatherford—18.

Nays—Messrs. Appleton, Benson, Boyd, Bullock, Carlin, Calloway, Carmichael, Cochran, Coleman, Cowan, Craig, Curtis Davis, Diggs, Doster, Dozier, Dustan, Ellison, Etheridge, Gee, Grayson of Clarke, Grayson of Madison, Gunn, Henderson, Henry, Hewitt, Hitchcock, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, King, Lewis, Lowe, Lumpkin, McDermott, Mancill, Miller, Moore, Murrah, Nininger, Oates, Payne, Perrin, Powell, Rice, Semmes, Smith of Sumter, Speake, St. Clair, Speed, Strauss, Taylor of Lauderdale, Taylor of Winston, Thompson, Toulmin, Tyler, Ware, Wells, White, Williams and Wyman—62.

Mr. Speake moved to lay the motion of Mr. Bullock to reconsider on the table ;

Which was lost.

Yeas 33, nays 48.

Yeas—Messrs. Speaker, Appleton, Ashurst, Black, Bulger, Clark, Clements, Cochran, Cowan, Curtis, Dozier, Drake, Gaskin, Gilchrist, Graham Green, Hamilton, Henry, Hewitt, Hodo, Holmes of Sumter, Johnson of Coosa, Kennedy, Lewis, McCall, Mancill, Marlowe, Sims, Speake, Steele, Taylor of Lauderdale, Weatherford, and Wyman—33.

Nays—Messrs. Alley, Benson, Boyd, Bullock, Calloway, Carlin, Camichael, Coleman, Craig, Davis, Diggs, Doster, Dustan, Ellison, Etheridge, Gee, Grayson of Clarke, Grayson of Madison, Henderson, Hitchcock, Howell, Hurt, Johnson of Dallas, King, Lindsay, Lowe, Lumpkin, McDermott, Moore, Murrah, Nininger, Oates, Payne, Perrin, Powell, Rice, Semmes, Smith of Sumter, St. Clair, Speed, Strauss, Taylor of Winston, Thompson, Toulmin, Tyler, Ware, Wells and Williams—48.



The question recurring on the motion to reconsider ;  
It was carried.

Mr. Hewitt moved to amend the Senate resolution by striking out " the first of March," and inserting " 23d of February."

Mr. Black moved to lay the amendment on the table ;  
Which Carried.

Yeas 50, nays 30.

Yeas—Messrs. Speaker, Alley, Appleton, Black, Boyd, Bullock, Calloway, Carlin, Clark, Cochran, Cowan, Craig, Curtis, Diggs, Dozier, Dustan, Etheridge, Gaskin, Gee, Graham, Grayson of Clarke, Grayson of Madison, Green, Hamilton, Henderson, Henry, Hodo, Holmes of Baldwin, Holmes of Sumter, Hurt, Johnson of Coosa, Johnson of Dallas, Kennedy, King, Lewis, McCall, McDermott, Marlowe, Nininger, Perrin, Semmes, St. Clair, Speed, Thompson, Toomer, Tyler, Wells, White, Williams and Wyman—50.

Nays—Messrs. Benson, Bulger, Carmichael, Clements, Coleman, Davis, Doster, Drake, Ellison, Gilchrist, Hewitt, Hitchcock, Howell, Lindsay, Lowe, Lumpkin, Mancill, Moore, Murrah, Oates, Payne, Powell, Rice, Speake, Steele, Strauss, Taylor of Winston, Toulmin, Ware and Weatherford—20.

Mr. Henry moved to strike out " first of March," and insert " 20th of February ;"

Which was laid on the table;

Yeas 44, nays 34.

Yeas—Messrs. Speaker, Alley, Black, Bulger, Calloway, Carlin, Clark, Clements, Cochran, Cowan, Curtis, Diggs, Dozier, Dustan, Etheridge, Gaskin, Gee, Graham, Grayson of Madison, Green, Hamilton, Henderson, Hodo, Holmes of Baldwin, Holmes of Sumter, Hurt, Johnson of Dallas, Kennedy, McCall, McDermott, Marlowe, Moore, Nininger, Perrin, Semmes, Smith of Sumter, St. Clair, Thompson, Toomer, Tyler, Wells, White, Williams and Wyman—44.

Nays—Messrs. Benson, Boyd, Bullock, Carmichael, Coleman, Craig, Crook, Davis, Doster, Drake, Ellison, Gilchrist, Grayson of Clarke, Henry, Hewitt, Hitchcock, Howell, Johnson of Coosa, King, Lewis, Lindsay, Lowe, Lumpkin, Mancill, Murrah, Oates, Payne, Powell, Rice, Speake, Taylor of Lauderdale, Toulmin, Ware and Weatherford—84.

Mr. Dustan moved to amend by striking out " March 1st," and inserting " February 26th."

Mr. Henry moved to lay the amendment on the table ;  
Which was lost.

Yeas 36, nays 42.

Yeas—Messrs. Speaker, Appleton, Black, Boyd, Bulger,

Clements, Cochran, Coleman, Cowan, Dozier, Gaskin, Gilchrist, Graham, Grayson of Madison, Green, Hamilton, Henderson, Henry, Hodo, Holmes of Baldwin, Hurt, Kennedy, Lewis, Lumpkin, McCall, McDermott, Moore, Nininger, Perrin, Semmes, Smith of Sumter, Taylor of Lauderdale, Toomer, Tyler, White and Wyman—36.

Nays—Messrs. Alley, Benson, Bullock, Calloway, Carmichael, Clark, Craig, Davis, Diggs, Doster, Drake, Dustan, Ellison, Etheridge, Gee, Gunn, Hewitt, Hitchcock, Holmes of Sumter, Howell, Johnson of Coosa, Johnson of Dallas, King, Lindsay, Lowe, Mancill, Murrah, Oates, Payne, Powell, Rice, Semmes, St. Clair, Speed, Strauss, Taylor of Winston, Thompson, Toulmin, Ware, Weatherford, Wells and Williams—42.

Mr. Boyd moved to adjourn until half-past eleven o'clock to-night;

Which was lost.

Yeas 22, nays 61.

Yeas—Messrs. Speaker, Boyd, Clements, Cowan, Crook, Gilchrist, Green, Hamilton, Hewitt, Hodo, Johnson of Coosa, Kennedy, Lewis, McCall, Marlowe, Miller, Nininger, Speake, Taylor of Lauderdale, Weatherford and Wyman—22.

Nays—Messrs. Alley, Appleton, Benson, Black, Bulger, Bullock, Calloway, Carlin, Carmichael, Clark, Cochran, Craig, Curtis, Davis, Diggs, Doster, Dozier, Drake, Dustan, Ellison, Etheridge, Gaskin, Gee, Graham, Grayson of Clarke, Grayson of Madison, Gunn, Henderson, Henry, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Dallas, Lindsay, Lowe, Lumpkin, McCaskey, McDermott, Mancill, Moore, Murrah, Oates, Perrin, Powell, Rice, Semmes, Sims, Smith of Sumter, St. Clair, Speed, Strauss, Taylor of Winston, Thompson, Toomer, Toulmin, Tyler, Ware, Wells, White and Williams—61.

Mr. Bulger moved to suspend the consideration of the resolution to take up and consider Senate bills;

Which was lost.

The question recurred on the adoption of the amendment of Mr. Dustan to strike out " March 1st," and insert " 26th day of February;"

Which was put and carried.

Yeas 47, nays 35.

Yeas—Messrs. Alley, Benson, Boyd, Bullock, Calloway, Carmichael, Clark, Coleman, Craig, Davis, Diggs, Doster, Dozier, Dustan, Ellison, Etheridge, Gaskin, Gee, Graham, Grayson of Clarke, Greene, Henderson, Hewitt, Howell, Johnson of Dallas, King, Lewis, Lindsay, Lowe, Murrah, Nininger,

Oates, Payne, Perrin, Powell, Rice, Semmes, Smith of Sumter St. Clair, Speed, Strauss, Taylor of Winston, Thompson, Toulmin, Tyler, Wells and Williams—17.

Nays—Messrs. Speaker, Appleton, Ashurst, Black, Bulger, Carlin, Clements, Cowan, Crook, Curtis, Drake, Gilchrist, Grayson of Madison, Gunn, Hamilton, Henry, Hodo, Holmes of Baldwin, Holmes of Sumter, Hurt, Johnson of Coosa, Lumpkin, McCall, McDermott, Mancill, Marlowe, Moore, Speake, Steele, Taylor of Lauderdale. Toomer, Ware, Weatherford, White and Wyman—35.

Mr. Lewis moved to reconsider the vote just taken on the amendment ;

Which was laid on the table.

Yeas 47, nays 29.

Yeas—Messrs. Alley, Benson, Boyd, Bullock, Calloway, Carlin, Clark, Cochran, Craig, Curtis, Davis, Diggs, Doster, Dozier, Dustan, Ellison, Etheridge, Gaskin, Gee, Graham, Grayson of Madison, Green, Henderson, Hitchcock, Hurt, Johnson of Dallas, King, Lindsay, Lowe, Moore, Nininger, Oates, Perrin, Powell, Rice, Semmes, Smith of Sumter, Clair, Speed, Strauss, Taylor of Winston, Toulmin, Tyler, Wells, White and Williams—47.

Nays—Messrs. Speaker, Appleton, Ashurst, Black, Bulger, Clements, Cowan, Crook, Drake, Gilchrist, Gunn, Hamilton, Henry, Hodo, Johnson of Coosa, Kennedy, Lewis, Lumpkin, McCall, McDermott, Mancill, Marlowe, Murrah, Sims, Speake, Steele, Taylor of Lauderdale, Weatherford and Wyman—29.

Mr. Bulger moved to adjourn until 4 o'clock this afternoon ;

Which was lost.

Mr. Bulger moved to strike out " 26th of February," and insert " 23d of February ;"

Which was ruled out of order.

Mr. Lowe called for the previous question.

Mr. Hewitt moved to amend the resolution by striking out the preamble.

Mr. Dustan raised the point of order that an amendment was not in order after the previous question had been called for.

The chair Overruled the point of order ;

Whereupon, Mr. Dustan appealed from the decision of the chair.

And the question being, " Shall the decision of the chair be the decision of the House ?" the chair was sustained.

The question being, " Shall the main question be now put?" it was put and carried.

The question being on concurring in the resolution of the Senate, as amended, it was concurred in.

Yeas 50, nays 32.

Yeas—Messrs. Alley, Benson, Boyd, Bullock, Calloway, Carlin, Clarke, Cochran, Coleman, Craig, Curtis, Davis, Diggs, Doster, Dozier, Dustan, Ellison, Etheridge, Gaskin, Gee, Graham, Grayson of Clarke, Green, Henderson, Hitchcock, Howell, Johnson of Dallas, King, Lindsay, Lowe, McDermott, Moore, Nininger, Oates, Payne, Perrin, Powell, Rice, Semmes, Smith of Sumter, St. Clair, Speed, Strauss, Taylor of Winston, Thompson, Toomer, Toulmin, Tyler, Wells and Williams 50.

Nays—Messrs. Speaker, Appleton, Ashurst, Black, Bulger, Clements, Cowan, Crook, Drake, Gilchrist, Grayson of Madison, Gunn, Hamilton, Henry, Hewitt, Hodo, Johnson of Coosa, Kennedy, Lewis, Lumpkin, McCall, Mancill, Marlowe, Miller, Sims, Speake, Steele, Taylor of Lauderdale, Ware, Weatherford, White and Wyman—32.

On motion to Mr. Lowe—

The House adjourned until this afternoon at 4 o'clock.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

In the absence of Mr. Speaker, Mr. Dustan called the House to order.

On motion of Mr. Bullock—

Mr. Bulger was called to the chair.

On motion of Mr. Bullock—

The roll was called, and the following members found to be present:

Yeas— Messrs. Speaker, Alley, Appleton, Black, Boyd, Bulger, Bullock, Calloway, Carlin, Clark, Clements, Craig, Crook, Davis, Diggs, Doster, Dozier, Dustan, Etheridge, Gaskin, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Henderson, Henry, Hewitt, Hitchcock, Hodo, Howell, Hurt, Johnson of Dallas, King, Lewis, Lumpkin, McCall, McCaskey, Mancill, Marlowe, Miller, Murrah, Nininger, Payne, Powell, Rice, Semmes, Smith of Sumter, Smitherman, St. Clair, Steele, Taylor of Winston, Thompson, Toulmin, Ware, Weatherford, White and Wyman—61,

Message from the Senate, by Mr. Blue :

SENATE CHAMBER,  
February 15, 1872.}

Mr. Speaker :

The Senate concurs in the amendment of the House to the resolution of the Senate—

Proposing to extend the present session of the general assembly ;

And order that the House be informed of said concurrence forthwith.

M. P. BLUE,  
Secretary.

On motion of Mr. Powell—

The House proceeded to consider the Senate bill—

To amend an act to amend section 11 of an act to furnish the aid and credit of the State for the purpose of expediting the construction of railroads within the State ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Hubbard moved to amend by adding to section— the following:

" And the further condition upon which said time for said completion is extended, and the said route is changed is, that if the said Vicksburg and Brunswick railroad is not completed from Troy, by way of Rutledge, to Greenville in two years from the approval of this act, then said Selma & Gulf railroad shall extend its said road from Greenville, via Rutledge, to Troy ; which shall be the point of intersection with the Mobile & Girard railroad, upon the same terms and conditions, in every respect, as said road is or may be constructed to Greenville.

" And said construction need not begin until the expiration of said two years.

" And the further condition upon which the said railroad shall become entitled to the rights conferred by this act is, that said Selma & Gulf railroad, or some one for it, give undoubted security, to be approved by the governor and treasurer, that said road will comply with the provisions of this act, and will save the State harmless for any loss on any payment of interest on account of any indorsement made or to be made by said State on account or on behalf of said railroad.

"And after a failure of said company to comply with the provisions of this act, or if any loss occur, any citizen of this State may sue upon said security, and recover the amount thereof for the use of the State."

Mr. Oates moved to lay the amendment on the table ;  
Which carried.

Yeas 54, nays 19.

Yeas—Messrs. Appleton, Ashurst, Benson, Black, Boyd, Bullock, Calloway, Clark, Clements, Cochran, Cowan, Craig, Curtis, Davis, Diggs, Dustan, Etheridge, Gaskin, Gee, Gilchrist, Graham, Grayson of Madison, Henderson, Henry, Hewitt, Hitchcock, Hodo, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, Kennedy, King, Lewis, Lowe, Lumpkin, McCaskey, Miller, Nininger, Oates, Payne, Powell, Rice, Sims, Smith of Sumter, Smitherman, Steele, Strauss, Taylor of Lauderdale, Toulmin, Ware, White, Williams and Wyman—54.

Nays—Messrs. Speaker, Alley, Bulger, Carlin, Doster, Dozier, Grayson of Clarke, Green, Hamilton, McCall, Mancill, Murrah, Semmes, Speed, Taylor of Winston, Thompson, Tyler, Weatherford and Wells—19.

Mr. Speaker moved to lay the bill on the table ;  
Which was lost.

Yeas 18, nays 53.

Yeas—Messrs. Speaker, Alley, Boyd, Bulger, Clements, Gilchrist, Green, Hamilton, Hodo, Kennedy, Lewis, McCall, McCaskey, Miller, Smith of Sumter, Smitherman, Taylor of Lauderdale and Wyman—18.

Nays—Messrs. Ashurst, Black, Bullock, Calloway, Carlin, Clark, Cochran, Cowan, Craig, Davis, Diggs, Doster, Dozier, Dustan, Etheridge, Gaskin, Gee, Graham, Grayson of Clarke, Grayson of Madison, Henderson, Hewitt, Hitchcock, Howell, Hart, Johnson of Coosa, Johnson of Dallas, King, Lowe, Lumpkin, Mancill, Moore, Murrah, Nininger, Oates, Payne, Powell, Rice, Semmes, Sims, Speake, St. Clair, Steele, Speed, Strauss, Thompson, Toulmin, Tyler, Ware, Weatherford, Wells, White and Williams—68.

And the bill was ordered to a third reading.

#### LEAVE OF ABSENCE.

Leave of absence was granted to Messrs. White, Davis, Toomer, Kennedy and Steele.

Mr. Henry, by leave, offered the following resolution :

Resolved, That it is the sense of this House that no member shall be granted leave of absence during the remainder of the present session, except in case of sickness;

Which was laid on the table.

Yeas 37, nays 36.

Yeas—Messrs. Appleton, Alley, Black, Bullock, Calloway, Clark, Clements, Cochran, Cowan, Curtis, Dozier, Etheridge, Gaskin, Gee, Graham, Grayson of Clarke, Grayson of Madison, Gunn, Green, Hodo, Johnson of Dallas, Kennedy, King, Lewis, McCall, McCaskey, Mancill, Miller, Nininger, St. Clair, Steele, Speed, Thompson, Tyler, Weatherford, Williams and Wyman—37.

Nays—Messrs. Speaker, Ashurst, Benson, Boyd, Bulger, Carlin, Craig, Diggs, Doster, Dustan, Gilchrist, Hamilton, Henry, Hewitt, Hitchcock, Howell, Hurt, Johnson to Coosa, Lowe, Lumpkin, Moore, Murrah, Oates, Payne, Powell Rice, Semmes, Smith of Sumter, Smitherman, Speake, Strauss, Taylor of Lauderdale, Toulmin, Ware and White—36.

By leave, Mr. Toulmin introduced a bill—

To provide for a sinking fund for redemption of the State debt;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means.

On motion of Mr. Lowe—

Mr. Oates moved to reconsider the vote had on yesterday on the passage of the bill—

Making appropriations for the fiscal year ending the 30th September, 1872.

On motion of Mr. Lowe—

The House adjourned until to-morrow morning 10 o'clock.

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## FIFTY-NINTH DAY.

FRIDAY, February 16, 1872.

House met pursuant to adjournment.

Prayer by Rev. Mr. Payne.

The journal of yesterday was read and approved.

## LEAVE OF ABSENCE.

Leave of absence was granted to Messrs. Carmichael, Gray-

son, of Madison, Lindsay, Haralson, Holmes of Sumter, St. Clair and Graham.

Mr. Oates moved to reconsider the vote had on yesterday on the passage of the bill—

Making appropriations for the fiscal year ending the 30th of September, 1872.

On motion of Mr. Hewitt—

The further consideration of the motion was postponed and made the special order for 10 o'clock to-morrow.

By leave, Mr. Lewis offered the following preamble and resolution:

Whereas, on a previous day of this session of the general assembly, Thursday, the 15th inst., was fixed as the day of adjournment sine die; and

Whereas, the session of the general assembly has not been prolonged by a vote of two-thirds of the House of Representatives ; therefore—

Resolved, by the members of the House of Representatives here present, That the general assembly of Alabama has been adjourned by operation of law, and to remain in session longer for the purpose of attempting any farther legislation is in violation of section 21, article 4, of the State constitution.

Mr. Lowe made the point of order that the House could not entertain the resolution, as it was not a resolution of the house-of Representatives of the general assembly.

Mr. Speaker overruled the point of order.

Whereupon Mr. Lowe appealed from the decision of the chair;

And the question being—

"Shall the decision of the chair be the decision of the-House"?

And the chair was not sustained ;

And the resolution was ruled out of order.

On motion of Mr. Bulger—

The House went into committee of the whole,

To consider the bill locating the agricultural and mechanical college.

After having spent sometime therein, the committee rose, and through its chairman, Mr. Bullock,

Reported, that the committee recommend "Florence to be stricken out and Auburn" inserted.

Mr. Boyd moved to indefinitely postpone the further consideration of the bill ;



Which was laid on the table.

Yeas 53, nays 20.

Yeas—Messrs. Speaker, Alley, Ashurst, Benson, Black, Bulger, Bullock, Calloway, Carlin, Clark, Clements, Cochran, Coleman, Curtis, Davis Diggs, Doster, Dozier, Drake, Dustan, Etheridge, Gaskin, Green, Henderson, Henry, Hitchcock, Johnson of Coosa, Kennedy, King, Lumpkin, McCall, McCaskey, Mancill, Moore, Murrah, Nininger, Oates, Perrin, Semmes, Sims, Smith of Sumter, Smitherman, St. Clair, Speed, Strauss, Taylor of Lauderdale, Thompson, Tyler, Ware, Weatherford, Wells, White and Wyman — 53.

Nays—Messrs. Appleton, Boyd, Craig, Gee, Gilchrist, Hamilton, Hewitt, Hodo, Hurt, Johnson of Dallas, Lewis, Lowe, Miller, Payne, Powell, Rice, Speake, Taylor of Winston, and Williams—20.

The question being on the adoption of the amendment reported by the committee of the whole ;

It was adopted.

Mr. Bulger moved to amend the bill by way of a substitute ;

Which was adopted.

And the bill was referred to a special committee of five, as follows:

Messrs. Bulger, Oates, Lewis, Doster, and Taylor of Lauderdale.

#### INTERNAL IMPROVEMENTS.

On motion of Mr. Bradford—

The regular order of business was suspended to allow the committee on internal improvements to report.

Whereupon, Mr. Lowe, from the committee on internal improvements, reported favorably to the bill—

To amend section 1 of an act to authorize the Georgia and Western railroad company to extend and construct their road from the Georgia line to the town of Gadsden, on the Coosa river ;

Which was read a third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. Dustan—

The House proceeded to the consideration of the Senate bills.

The Senate bill—

To amend an act to amend section 11 of an act to furnish

the aid and credit of the State for the purpose of expediting the construction of railroads within the State ;

Was read a third time and passed.

The Senate bill—

In relation to the payment of interest on the bonds of the Alabama and Chattanooga railroad company ;

Was read a third time.

Mr. Lewis moved to postpone the further consideration of the bill until Tuesday next, and make it the special order for that day.

Mr. Lowe moved to lay the motion on the table ;

Which was lost;

Yeas 14, nays 37.

Yeas—Messrs. Carlin, Doster, Dozier, Dustan, Johnson of Dallas, Kennedy, Lowe, McDermott, Oates, Perrin, Rice, Taylor of Lauderdale, Tyler, and Wells—14.

Nays—Messrs. Appleton, Ashurst, Boyd, Bradford, Bulger, Bullock, Clements, Craig, Davis, Drake, Gaskin, Gilchrist, Grayson of Clarke, Hamilton, Henderson, Henry, Hodo, Holmes of Baldwin, Hurt, Johnson of Coosa, King, Lewis, Lumpkin, McCall, McCaskey, Miller, Moore, Murrah, Nininger, Payne, Sims, Smith of Sumter, Speake, Taylor of Lauderdale, Thompson, Ware, Williams and Wyman—37.

The motion to postpone was pat and carried.

The Senate bill—

To prohibit the sale of liquors within two and a half miles of Hopewell church, in Bullock county ; and Manack, in Lowndes county ; and Mourning Spring church and Masonic Lodge No. 204, in Montgomery county ;

Was read twice, under a suspension of the constitutional rule.

Mr. Lowe moved to strike out the places named, and amend the bill so as to prohibit the sale of liquors anywhere within the State.

Mr. Speaker (Mr. Bullock in the chair), ruled the amendment out of order.

Mr. Lowe appealed from the decision of the chair, and the question being,

"Shall the decision of the chair be the decision of the House"?

It was put ;

And the chair was sustained ;

And the bill was referred to the committee on local legislation.

The Senate bill—

In relation to the culture of fish in the State of Alabama ;

Was read twice, under a suspension of the constitutional rule.

Mr. Speake moved the indefinite postponement of its consideration.

Mr. Lowe moved its reference to the committee on agriculture ;

Which motion having precedence over the motion to indefinitely postpone ;

Was put and carried.

The Senate bill—

To amend section 4342 of the Revised Code ;

Was read twice, under a suspension of the constitutional rule, and referred to the committee on local legislation.

The Senate bills—

To authorize Asa Blakey, of Barbour county, to peddle in said county, without license.

To authorize Susan A. Tidwell of Blount county to sell certain lands.

To repeal an act to incorporate the town of Blountsville, in Blount county," approved February 7, 1870 ;

Were severally read three times, under a suspension of the constitutional rule, and passed.

The Senate bill—

For the relief of Henry P. Barden of Colbert county, and Spencer Hurt and Jackson Ford, of Pike county ;

Was read twice, under a suspension of the constitutional rule, and laid on the table.

The Senate bills—

For the relief of P. W. Donaldson, of Montgomery.

To discontinue the freedman's hospital at Talladega, and to provide ways and means for the removal of the patients of said hospital to the respective counties from which said patients were sent.

Which were severally read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means.

The Senate bill—

To prevent hands and errors in the weighing of cotton and other products ;

Was read twice, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

The Senate bills—

To prohibit the sale of spirituous liquors within two miles of Sandy Ridge church in Barbour county.

To make Mrs. Melissa N. Smith of Montgomery county, a free dealer ;

Were read twice, under a suspension of the constitutional rule, and referred to the committee on local legislation.

The Senate bill—

To amend sections 1 and 2 of an act to incorporate the South and North Alabama railroad company ;

Was read twice under a suspension of the constitutional rule, and referred to a special committee of three, to-wit :

Messrs. Doster, Ashurst and Clements.

By leave, Mr. Oates offered the following resolution ;

Which was adopted :

Resolved, That at the afternoon sessions of this House, no other business except the general orders pending, shall be taken up or considered until they are disposed of.

#### ENROLLED BILLS.

Mr. Powell, from the committee on enrolled bills, reported as correctly enrolled the following bills—

To allow prosecutors to have counsel in criminal cases, who shall be leading counsel in such cases.

To fix the time and place of holding the chancery court; in the districts composed of the counties of Barbour, Henry and Dale, of the eastern chancery division of Alabama.

To enlarge the criminal jurisdiction of justices' of the peace in their respective beats or precincts in the county of Marengo.

To authorize Williamson Spears of Coosa county to peddle without license.

To incorporate the town of Prattville.

Joint memorial relating to a ship communication between the waters of the Gulf of Mexico and the Atlantic ocean, through the Florida Peninsula.

#### PROTEST.

The following protest was presented to the action of the House in the extension of the session of the General Assembly :

Mr. Speaker .

To the action of this House in the extension of the session of this General Assembly, we beg leave to enter our protest. We believe, in as much as we have spent already sixty-eight days perfecting mainly local and private legislation, and accomplishing no material good for the people at large, and as we have despaired of any definite action in the Alabama and Chattanooga railroad complication, by legislation, and as there appears to be but one acceptable proposition to the railroad companies of a solution of the embarrassing condition of the indorsement of their bonds by the State; to accept which, on our part, we think, would be an abuse of our trust, confided by the people ; and as we think it unwise at present to increase the rate of taxation or make further loan to raise money for use of the State ; and being thoroughly convinced that this House and the Senate can not agree on an election or revenue law, that we believe will be fair or acceptable to the people, we think it unwise and unjust to the people, whose money we are spending, to longer remain in session, and submit to the extension, as by a majority of this House voted, only under our solemn protest.

J. B. SPEAKE,	W. D. BULGER,
P. P. GILCHRIST,	J. F. ASHURST,
JNO. A. STEELE,	B. B. LEWIS,
JNO. B. APPLETON,	N. N. CLEMENTS,
ALBERT J. HAMILTON,	D. C. HODO,
B. M. HENRY,	W. S. WYMAN.
	W. F. HURT.

I concur in the foregoing, except that I am in favor of raising money by sale of bonds or otherwise to pay school teachers and other just demands upon this State.

D. A. McCALL.

On motion of Mr. Hewitt—

The House adjourned until this afternoon 4: o'clock.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

#### CALL OF THE ROLL.

Upon the call of the roll the following members were present:

Messrs. Appleton, Ashurst, Benson, Black, Bradford, Bullock, Callaway, Carlin, Clark, Clements, Craig, Curtis, Doster, Dozier, Dustan, Etheridge, Gaskin, Gilchrist, Grayson of Clarke, Greene, Hamilton, Henderson, Henry, Hewitt, Hitchcock, Hodo, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, King, Lewis, McCall, Mancill, Miller, Moore, Murrah, Nininger, Oates, Perrin, Powell, Sims, Smitherman, Speake, Strauss, Taylor of Lauderdale, Taylor of Winston, Thompson, Tyler, Ware and Wynn—51.

#### GENERAL ORDERS.

The House proceeded to the consideration of the general orders;

Mr. Bullock in the chair.

The bills to fix the distance for which mileage shall be allowed for Geneva county.

For the relief of Lavinia Miller of Coffee county.

Relating to the election of officers of the city of Mobile ;  
Were severally read a third time and passed.

The House refused to concur in the Senate amendment to the House bill—

To prohibit the sale of liquors within two miles of Town Creek church, in Dallas county.

The Senate bill—

To regulate the insurance business in this State ;  
Was read a third time.

Mr. Strauss moved to postpone the further consideration of the bill until Wednesday next, 11 o'clock.

Mr. Oates moved to lay the motion on the table;  
Which was carried.

Yeas 30, nays 23.

Yeas—Messrs. Ashurst, Benson, Boyd, Bullock, Carlin, Clark, Clements, Craig, Curtis, Doster, Dozier, Dustan, Hewitt, Hitchcock, Howell, Hurt, Kennedy, King, McCall, Miller, Murrah, Oates, Payne, Powell, Rice, Smitherman, Taylor of Winston, Ware, Williams and Wyman—30.

Nays—Messrs. Appleton, Black, Bradford, Bulger, Calloway, Cochran, Etheridge, Gaskin, Gilchrist, Grayson of Clarke, Hamilton, Henderson, Henry, Hodo, Holmes to Baldwin, Johnson of Coosa, Johnson of Dallas, Lewis, Nininger, Sims, Speake, Strauss, Tyler and Weatherford—23.

Mr. Strauss moved to indefinitely postpone the further consideration of the bill.

Mr. Oates moved to lay that motion on the table,  
Which was lost—

Yeas 21, nays 32.

Yeas—Messrs. Speaker, Ashurst, Boyd, Bullock, Carlin, Craig, Curtis, Dozier, Dustan, Etheridge, Howell, Kennedy, King, McCall, Murrah, Oates; Payne, Powell, Ware, Williams and Wyman—21.

Nays—Messrs. Appleton, Black, Bradford, Clements, Cochran, Doster, Gaskin, Gilchrist, Grayson of Clarke, Green, Hamilton, Henderson, Henry, Hitchcock, Hodo, Holmes of Baldwin, Hurt, Johnson of Coosa, Johnson of Dallas, Lewis, McCaskey, Miller, Nininger, Perrin, Semmes, Smitherman, Speake, Strauss, Taylor of Winston, Thompson, Tyler and Weatherford — 32.

The question recurring on the indefinite postponement of the bill—

It was put and lost—Yeas 28, nays 29.

Yeas—Messrs. Black, Bradford, Bulger, Clements, Doster, Gaskin, Gilchrist, Grayson of Clarke, Greene, Henderson, Henry, Hitchcock, Hodo, Holmes of Baldwin, Howell, Johnson of Dallas, Kennedy, Lewis, McCaskey, Miller, Nininger, Perrin, Semmes, Smitherman, Speake, Strauss, Thompson and Wyman — 28.

Nays—Messrs. Speaker, Appleton, Ashurst, Boyd, Bullock, Carlin, Clark, Cochran, Craig, Curtis, Davis, Dozier, Dustan, Etheridge, Hamilton, Howell, Johnson of Coosa, King, Lumpkin, McCall, Murrah, Oates, Payne, Powell, Taylor of Winston, Tyler, Ware, Weatherford and Williams— 29.

Mr. Semmes moved to make the bill the special order for Thursday next at 12 m.

Mr. Oates moved to amend the motion, by striking out Thursday and inserting Tuesday ;

Which was laid on the table.

Mr. Oates moved to lay the motion of Mr. Semmes on the table ;

Which was lost—Yeas 18, nays 31.

Yeas—Messrs. Speaker, Ashurst, Boyd, Bullock, Carlin, Clark, Craig, Dozier, Dustin, Hurst, Johnson of Coosa, King, McCall, Murrah, Oates, Perrin, Ware and Williams—18.

Nays—Messrs. Appleton, Black, Bradford, Bulger, Clements, Curtis, Doster, Etheridge, Gaskin, Gilchrist, Grayson of Clarke, Hamilton, Henderson, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Howell, Johnson of Dallas, Kennedy, Lewis, McCaskey, Nininger, Payne, Semmes, Smitherman, Speake, Strauss, Taylor of Winston, Thompson, Tyler, Weatherford and Wyman—31.

Mr. Oates moved to amend the motion, by striking out Thursday and inserting Wednesday;  
Which was carried.

#### LEAVE OF ABSENCE.

Leave of absence was granted Messrs. Calloway, Toomer and Alley.

On motion of Mr. Johnson of Coosa—  
House adjourned until to-morrow morning 10 o'clock.

#### SIXTIETH DAY.

SATURDAY, February 17, 1872.

House met pursuant to adjournment.  
Prayer by Mr. Appleton.  
Journal of yesterday was read and approved.

#### REPORT OF SPECIAL COMMITTEE.

Mr. Bulger, from a special committee, reported favorably to the bill—

To establish an agricultural and mechanical college at Florence, with an amendment by way of substitute.

Mr. Hewitt moved to amend the substitute by proviso, as follows:

Provided, That nothing contained in this act shall be so construed as to prevent the general assembly from removing the location of said college from Auburn to any other point in the State, if the general welfare should demand it ;

Which was adopted.

Mr. Thompson moved to amend as follows :

Provided, That the same or equal facilities and advantages of instruction be given to all students making application at such college, whether white or colored;

Which was laid on the table—Yeas 43, nays 21.

Yeas—Messrs. Speaker, Appleton, Ashurst, Benson, Boyd, Bradford, Bulger, Bullock, Clements, Coleman, Doster, Duttan, Etheridge, Gilchrist, Grayson of Clarke, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Howell, Hurt, Johnson of Coosa, Kennedy, Lewis, Lowe, Lumpkin, McCall, McCaskey, Moore, Murrah, Oates, Powell, Rice, Smith



of Greene, Smith of Sumter, Smitherman, Speake, Strauss, Taylor of Winston, Ware and Weatherford —43.

Nays—Messrs. Alley, Black, Carlin, Cochran, Craig, Curtis, Diggs, Dozier, Gaskin, Gee, Green, Haralson, Henderson, Johnson of Dallas, Rice, Knox, Miller, Perrin, Thompson, Tyler and Williams —21.

Mr. Gaskin moved to lay the bill on the table ;

Which was lost.

The bill was read a third time, under a suspension of the constitutional rule, and passed.

The title was amended so as to read as follows:

To establish a college at Auburn, in Lee county, Alabama, for the benefit of agriculture and the mechanic arts, pursuant to an act of the congress of the United States, approved July 2, 1862.

#### LOCAL LEGISLATION.

Mr. Moore, from the committee on local legislation, reported favorably to the Senate bills—

To authorize Martha Prickard to sell or exchange for other lands certain lands which belonged to Oscar Prickard at the time of his death;

To authorize Mrs. Lydia J. Holt to sell certain lands therein described;

To authorize William O. Baldwin of Montgomery to take out letters of guardianship of the person and property of Wm. O. Baldwin (minor);

Which were severally ordered to a third reading.

Also, from the same committee, favorably to the Senate bills—

For the relief of Mrs. Nancy Vardeman of Coosa county, with an amendment to each as follows :

Provided, the lands are appraised by three disinterested persons, under oath, and not sold for less than the appraised value. and the sale approved by the judge of probate of the county in which said lands lie, and duly recorded in his office :

Which were severally adopted,

And the bills were severally read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to the Senate bill—

To enable William Donelson, guardian of Laura Boddie, (resident with his said ward in the State of Tennessee,) to rent out the lands of his said ward and receive any moneys coming to her in the State of Alabama ;

Which was read a third time, under a suspension of the constitutional rule, and passed.

Also, from the same committee, favorably to the Senate bill—

To prohibit the selling of liquors within two miles of Lentzville church and school house, in Limestone county, with an amendment, as follows:

Insert after the word liquors, " patent bitters containing alcohol, such as Hostetter's stomach bitters, and all other bitters vended by retail merchants and grocery keepers, except the Vinegar bitters."

Mr. Boyd moved to strike out the words " except the Vinegar bitters;"

Which was carried.

Mr. Henry moved to insert " Drake's Plantation bitters;"

Which was lost.

And the further consideration of the bill was indefinitely postponed.

Also, from the same committee, adversely to the Senate bill—

To require the holders of the treasury-notes issued by the commissioners court of Russell county to present them for redemption;

Which was concurred in.

Mr. Black, from a special committee, reported favorably to the Senate bill—

In relation to mechanics' lien within the State of Alabama.

Mr. Bradford moved to recommit the bill to committee on the judiciary;

Which was lost.

Yeas 24, nays 31.

Yeas—Messrs. Ashurst, Benson, Boyd, Bradford, Bulger, Bullock, Clements, Etheridge, Gilchrist, Henry, Hewitt, Hitchcock, Hodo, Howell, Hurt, Lumpkin, Miller, Murrah, Smith to Greene, Smith of Sumter, Smitherman, Taylor of Winston, Ware and Weatherford —24.

Nays—Messrs. Alley, Appleton, Black, Carlin, Cochran, Craig, Curtis, Diggs, Dozier, Dustan, Gaskin, Gee, Grayson of Clarke, Green, Haralson, Henderson, Johnson of Dallas, King, Knox, Lewis, Lowe, McCaskey, McDermott, Marlowe, Moore, Oates, Perrin, Semmes, Thompson, Tyler and Williams—31.

And the bill was ordered to a third reading.

Message from the Senate by Mr. Whiting :

SENATE CHAMBER,  
 Montgomery, February 17. }  
 Mr. Speaker:

The Senate has originated and passed bills as follows :

For the relief of Alabama Central Railroad Company.

For the relief of the teachers of Coffee county for the period from the first of January to the first of July, 1868.

To authorize Moody H. May, as the administrator of the estate of Robert Carlisle, deceased, to sell certain real estate belonging to said estate, situated in the county of Baker, in the State of Alabama.

An act to protect the State in its liabilities on account of railroads.

And passed House bills as follows:

To define the corporate limits of the town of Livingston, in Sumter county.

To repeal an act enacted by the board of education, entitled an act to provide for the education of white teachers.

To repeal an act enacted by the board of education establishing a female normal school for the education of white female teachers, approved December 20, 1871.

To authorize John C. Morrow, probate judge of Jefferson county, to take jurisdiction over the estate of Richard B. Walker, deceased, late of said county of Jefferson.

To fix the time for the trial of criminal cases in the circuit court of Barbour county.

To incorporate the town of Gilmer, in Lawrence county.

Joint memorial of the General Assembly of the State of Alabama to the Congress of the United States, asking an additional grant of the public lands for the endowment of an agricultural and mechanical college in the State of Alabama.

And has originated and passed bills as follows :

For the relief of the Selma, Marion and Memphis Railroad Company.

To authorize and require the court of county commissioners of Montgomery county to establish a public pound in township fourteen, range twenty, and south half of township fifteen, range 20, Montgomery county.

To authorize Samuel H. Hardwick of Montgomery county to sign certain conveyances.

To authorize the court of county commissioners to the county of DeKalb to levy a county tax to pay off the indebtedness of said county.

To incorporate the Union Springs Fire Engine Company No. 2, of the town of Union Springs, Alabama.

To confer additional powers upon the corporate authorities of the city of Birmingham.

M. P. BLUE,  
Secretary.

The House proceeded to the consideration of the

# SPECIAL ORDER.

It being the bill—

To protect the interests of the State in the Alabama and Chattanooga railroad.

The question being on the adoption of the substitute offered by Mr. Dustan,

Mr. Oates moved to lay the substitute on the table ;

Which was carried—Yeas 45, nays 18.

Yeas—Messrs. Ashurst, Benson, Boyd, Bradford, Bulger, Bullock, Clements, Cochran, Coleman, Drake, Etheridge, Gee, Gilchrist, Grayson of Clarke, Hamilton, Haralson, Henry, Hewitt, Hitchcock, Hodo, Hurt, Johnson of Coosa, Johnson of Dallas, Kennedy, King, Knox, Lewis, Lumpkin, McDermott, Miller, Moore, Murrah, Oates, Payne, Perrin, Powell, Rice, Smith of Greene, Smith of Sumter, Smitherman, Speake, Strauss, Ware, Weatherford and Williams—45.

Nays—Messrs. Alley, Carlin, Craig, Diggs, Doster, Dozier, Dustan, Gaskin, Green, Henderson, Howell, Lowe, McCall, McCaskey, Marlowe, Semmes, Taylor of Winston, and Tyler—18.

Mr. Dustan moved to lay the bill on the table ;

Which was lost—Yeas 23, nays 43.

Yeas—Messrs. Speaker, Alley, Ashurst, Black, Boyd, Bradford, Bulger, Carlin, Drake, Dustan, Gaskin, Gilchrist, Green, Henderson, Henry, Hodo, Johnson of Coosa, Johnson of Dallas, Lewis, McCall, Murrah, Smitherman, and Taylor of Winston—23.

Nays—Messrs. Appleton, Benson, Bullock, Clements, Cochran, Craig, Diggs, Doster, Dozier, Etheridge, Gee, Grayson of Clarke, Hamilton, Haralson, Hewitt, Hitchcock, Howell, Hurt, Kennedy, King, Knox, Lowe, Lumpkin, McCaskey, McDermott, Marlowe, Miller, Moore, Oates, Payne, Perrin, Powell, Rice, Semmes, Smith of Greene, Smith of Sumter, Speake, Strauss, Thompson, Tyler, Ware, Weatherford and Williams—43.

Mr. Boyd moved to amend the bill by way of substitute;  
And on motion of Mr. Lewis—

The further consideration of the bill was postponed, and made the special order for Monday next at 11 o'clock.

#### INTERNAL IMPROVEMENTS.

Mr. Lowe, from the committee on internal improvements, reported favorably to the bill—

To provide for the reduction of the liabilities of the State, by the substitution of State bonds to the amount of \$4,000 per mile in lieu of the State indorsement heretofore authorized of the bonds of the various railroad companies entitled thereto.

On motion of Mr. Henry—

The further consideration of the bill was postponed and made the special order for Tuesday next at 10 o'clock, and one hundred copies of the bill and substitute were ordered to be printed.

#### FEES AND SALARIES.

Mr. Murrah, from the committee on fees and salaries, reported favorably to the bill—

To pay fees in certain cases to the solicitor of Dallas county out of the general funds of said county;

Which was read a third time, under a suspension of the constitutional rule, and passed.

#### WAYS AND MEANS.

Mr. Oates, from the committee on ways and means, to which was referred the Senate bill—

For the relief of John Post, of Pike county,

Asked that the committee be discharged from its further consideration, and that the same be referred to the committee on public printing.

The committee were discharged, and the bill recommitted to the committee on public printing.

The Senate bills—

To authorize the court of county commissioners of the county of DeKalb to levy a county tax to pay off the indebtedness of said county.

To incorporate the Union Springs fire engine company No. 2, of the town of Union Springs;

Were severally read three times, under a suspension of the constitutional rule, and passed.

#### INTERNAL IMPROVEMENTS.

Mr. Lowe, from the committee on internal improvements, reported favorably to the bill—

To amend an act to vest in the Tennessee and Alabama Central railroad company certain lands. granted by congress in trust to the State of Alabama, to aid in the construction of the Tennessee and Alabama Central railroad ;

And the bill was ordered to a third reading.

#### ENROLLED BILLS.

Mr. Powell, from the committee on enrolled bills, reported the following as correctly enrolled ;

To repeal an act enacted by the board of education, entitled, an act to provide for the education of white teachers,

To fix the time for the trial of criminal cases in the circuit of Barbour county.

To authorize John C. Morrow, probate judge of Jefferson county, to take jurisdiction over the estate of Richard B. Walker, deceased, late of said county of Jefferson.

To define the corporate limits of the town of Livingston, in Sumter county.

Joint memorial of the general assembly of the State of Alabama to the congress of the United States, asking an additional grant of the public lands for the endowment of an agricultural and mechanical college in the State of Alabama.

To repeal an act enacted by the board of education, establishing a female normal school for the education of white female teachers, approved December 20, 1871.

Mr. Speaker (Mr. Bulger in the chair,) laid before the House a communication from John W. A. Sanford, attorney-general, as follows :

STATE OF ALABAMA,  
OFFICE OF ATTORNEY GENERAL,  
Montgomery, February 16, 1872. }

Hon. John P. Hubbard,

Speaker of the House of Representatives :

Sir—During its last session, the general assembly appro-

priated twenty-eight hundred dollars to pay the salary of the attorney-general. This action was induced by its knowledge and just appreciation of the labors, the duties and responsibility that devolve upon that officer; and also by the desire that the compensation of the subordinate officials of the executive department of the State shall approach equality.

This sum was allowed for the services of the late attorney-general for the fiscal years ending, respectively, on the 30th of September, 1869, and on the 30th day of September, 1870, and was paid to him.

The present constitution of the State went into operation on the 13th day of July, 1868. It provides that the salaries of certain officers " shall neither be diminished nor increased during the period for which the shall have been elected." Among them is the attorney-general. His salary was fixed by section 109 of the Revised Code at the sum of two thousand dollars. This section has not been amended ; and as the salary of the attorney-general could not be increased, under the constitution, by a mere act of appropriation, approved since my induction into office, I have declined to receive the additional eight hundred dollars.

As the House of Representatives is about to consider the bill of appropriations for the fiscal year ending on the 30th of September, 1872, I deem it proper to make this statement.

I am, very respectfully,

Your obd't servant,

JOHN W. A. SANFORD.

The communication was referred to the committee on ways and means.

#### REPORT FROM A SPECIAL COMMITTEE.

Mr. Henry, from a special committee, reported favorably to the Senate bill—

Authorizing and in relation to certain aid to be given by the county of Montgomery, on conditions in said act stated, to a road to be incorporated and known as the Montgomery County Railroad Company ;

Mr. Bulger moved to postpone its further consideration until Wednesday next at 10 o'clock ;

Which was laid on the table.

Pending the passage of the bill—

On motion of Mr. Haralson—

The House adjourned until 15 minutes past 10 o'clock  
Monday morning.  
Mr. Bulger being entitled to the floor.

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# SIXTY-FIRST DAY.

MONDAY, February 19, 1872.

The House met pursuant to adjournment.  
Prayer by Rev. Mr. Morris.  
The journal of yesterday was read and approved.

In the absence of Mr. Speaker, (Mr. Bulger occupied the chair.)

# LEAVE OF ABSENCE.

Leave of absence was granted Mr. Powell for one day and Mr. Dustan and Mr. Wells two days.

By leave, Mr. Oates offered the following resolution ;  
Which was adopted :

Resolved, That the door-keeper be allowed fifty-two dollars for two days services as sergeant at-arms, and traveling expenses, in serving notice on the Hon. John Elliott, to appear before this House, to answer charges against him.

By leave, Mr. Oates introduced a bill—

To extend to the fire companies in the city of Montgomery the benefit of the provisions of an act to raise a fund for the benefit of the fire companies in the city of Mobile, approved March 1st, 1870 ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Strauss moved to amend as follows :

Provided that the provisions of this act shall not apply to insurance companies chartered by the State ;

Which, on motion of Mr. Oates—

Was laid on the table.

Mr. Strauss moved the indefinite postponement of the bill.

Mr. Oates moved to lay the motion on the table ;

Which was carried.

And the bill read a third time, under a suspension of the constitutional rule, and passed.



By leave, Mr. Bulger introduced a bill—

To amend section 5 of an act to create a new county out of portions of Chambers, Tallapoosa, Macon and Russell, to be called the county of Lee;

Which was read twice, under a suspension of the constitutional rule, and referred to a special committee of one from each of the counties named, to-wit:

Messrs. Bulger, Sims, Alley, Henry and Ware.

The Senate bill—

For the relief of the Selma, Marion and Memphis railroad company ;

Was read twice, under a suspension of the constitutional rule, and its further consideration postponed, and made the special order for Thursday next 10 o'clock, and 100 copies ordered to be printed.

The following message from the Senate, by Mr. Whiting, was received :

SENATE CHAMBER,  
February 19, 1872.}

Mr. Speaker :

The Senate has originated and passed a bill :

To pay J. B. Johns for work done in repairing furniture for both Houses of the General Assembly.

M. P. BLUE.  
Secretary.

By leave, Mr. Boyd introduced a bill—

Supplementary to an act to relieve and regulate the finances of the State ;

Which was read twice, under a suspension of the constitutional rule, and referred to the committee on ways and means.

By leave, Mr. Henry introduced a bill—

To establish a criminal court for the county of Russell, with criminal and civil jurisdiction ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Also,

To abolish the county court of Russell county ;

Which was read a third time, under a suspension of the constitutional rule, and passed.

By leave, Mr. Thompson introduced a bill—

To establish the office of county attorney, for the county of Montgomery ;

Which was read twice, under a suspension of the constitutional rule, and ordered to a third reading.

By leave, Mr. Speake introduced a bill—

For the relief of Eliza S. Phinzy of Lawrence county.

By leave, Mr. Hurt introduced a bill—

For the relief of the poor of the county of Jackson ;

Which was read three times, under a suspension of the constitutional rule, and passed.

By leave, Mr. Ashurst introduced a bill—

To change the boundary line between the counties of Lee and Tallapoosa ;

Which was read a third time, under a suspension of the constitutional rule, and passed, by the constitutional majority of two-thirds of the House.

The House proceeded to the consideration of the bill—

To protect the interests of the State in the Alabama and Chattanooga railroad.

The question pending, being on the adoption of the sub-statute offered by Mr. Boyd.

On motion of Mr. Oates—

Its consideration was postponed and made the special order for to-morrow half-past 10 o'clock.

The Senate bill—

Authorizing and in relation to certain aid to be given by the county of Montgomery, on conditions in said act mentioned, to a road (to be incorporated and known as the Montgomery county railroad company,) as reported from a special committee, being next in order,

Mr. Bulger moved the indefinite postponement of the bill,

Which, on motion of Mr. Knox, was laid on the table.

Mr. Bulger moved to postpone the further consideration of the bill until 10 o'clock to-morrow ;

Which, on motion of Mr. Knox—

Was laid on the table.

Mr. Bulger moved to postpone its further consideration until Thursday next 10 o'clock ;

Which, on motion of Mr. Knox—

Was laid on the table.

Mr. Bulger moved to postpone its further consideration until 1 o'clock this afternoon;

Which, on motion of Mr. Knox—

Was laid on the table.

Yeas 38, nays 18.

Yeas—Messrs. Appleton, Benson, Black, Bullock, Cochran, Coleman, Craig, Diggs, Etheridge, Gaskin, Gee, Gilchrist, Grayson of Clark, Haralson, Henry, Hitchcock, Hodo, Hurt, King, Knox, Lowe, McCaskey, Miller, Moore, Murrah, Nininger, Oates, Rice, Smith of Greene, Smith of Sumter, Smitherman, Speake, Strauss, Taylor of Lauderdale, Thompson, Toulmin, and Tyler—38.

Nays—Messrs. Bulger, Carlin, Clements, Crook, Drake, Ellison, Green, Hamilton, Henderson, Holmes of Baldwin, Howell, Johnson of Coosa, Mancill, Payne, Perrin, Taylor of Winston, Ware and Weaterford—18.

Mr. Knox moved the previous question,

And the question being, " Shall the main question be now put?

It was put and lost, and the bill passed.

Yeas 30, nays 24.

Yeas—Messrs. Ashurst, Benson, Black, Boyd, Bullock, Coleman, Craig, Crook, Diggs, Drake, Ellison, Hitchcock, Hodo, Hurt, King, Knox, Lowe, McCaskey, Mancill, Marlowe, Moore, Oates, Rice, Semmes, Smith of Greene, Smith of Sumter, Smitherman, Thompson, Toulman and Tyler—30.

Nays—Messrs. Appleton, Bulger, Clements, Cochran, Etheridge, Gaskin, Gee, Gilchrist, Grayson of Clarke, Greene, Hamilton, Haralson, Henderson, Johnson of Coosa, Johnson of Dallas, McCall, Murrah, Nininger, Payne, Perrin, Speake, Taylor of Winston, Ware and Weatherford—24.

Message from the Governor, by Mr. Chardavoyne:

EXECUTIVE DEPARTMENT,  
Montgomery, 19th Feb., 1872.}

Gentlemen of the Senate and House of Representatives :

I return without my approval a bill originating in the House of Representatives,

" To be entitled an act to allow prosecutors to have counsel in criminal cases, who shall be leading counsel in such cases."

In my opinion such a law would be not only exceedingly dangerous to the public weal, but palpably repugnant to the constitution of the State.

The 17th section of article 6th of the constitution provides that, a solicitor shall be elected in each county in this State,

by the qualified electors of such county, who shall reside in the county for which he is elected, and perform such duties as may be required by law.

The Revised Code, section 856, prescribes and defines the duties of such solicitor to be ;

" 1st. To attend on the grand juries, advise them in relation to matters of law, and examine and swear witnesses before that body."

" '2d. To draw up all indictments and to prosecute all indictable offences, &c."

The bill returned virtually supersedes this public officer. The language of the bill itself is the strongest possible argument in support of this view. It transfers the conduct to criminal prosecutions from the constitutional officers of the State, elected by the people, to the attorney of a private citizen. The constitution does not warrant this, and the municipal policy of the government forbids it.

In this country at least, and I apprehend in all civilized countries, crime is prosecuted by and in the name of the State government, not by or in the name of private individuals. The wisdom of this practice needs no corroboration or sanction from reasoning. The bill now returned tends, however, to entirely subvert it, authorizing the attorney of a private prosecutor "to conduct the prosecution on behalf of the State." The bill divests, in fact, the solicitor of all control of the case, and vests the prosecutor's attorney with the right to determining when the criminal shall be tried, whether the offence is bailable, whether a nolle prosequi, should be entered, what witnesses shall be subpoenaed, and which examined ; indeed, he may be said to be invested practically with the power of acquitting or convicting the criminal, no matter how flagrant the crime. This would be the practical result, and no one responsible for the injuries that might ensue to society.

ROBERT B. LINDSAY.

On motion of Mr. Boyd—

The consideration of the veto message was postponed, and made the special order for Wednesday next at 11 o'clock.

#### GENERAL ORDERS.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the general orders.

The House bills—

To amend an act to vest in the Tennessee and Alabama Central railroad company certain lands granted by Congress in trust to the State of Alabama, to aid in the construction of the Tennessee and Alabama railroad.

To prevent the sale of liquors within one mile of Shady Grove Baptist church in Dallas county, and Little Zion church, in Lee county, and Snowdown school house in Montgomery county.

To better secure the payment of rents of land ;

Were severally read a third time and passed.

The Senate bills—

In relation to mechanics' lien in the State of Alabama.

To authorize Wm. O. Baldwin of Montgomery, to take out letters of guardianship of the person and property of Wm. O. Baldwin, (a minor).

To authorize Martha Pickard to sell or exchange for other lands, certain lands which belonged to Oscar Pickard at the time of his death.

Were severally read a third time, and lost.

The Senate bill—

To authorize Mrs. Lydia J. Holt to sell certain land therein described ;

Was read a third time.

Mr. Boyd moved to lay the bill on the table ;

Lost.

And the bill was lost.

Mr. Marlowe moved to reconsider the vote on the passage of the Senate bill—

Authorizing and in relation to certain aid to be given by the county of Montgomery, and conditions in said act stated, to a road to be incorporated, and known as the Montgomery county railroad company.

Mr. Boyd moved to lay the motion to reconsider on the table ;

Which was carried.

Yeas 29, nays 26.

Yeas—Messrs. Ashurst, Benson, Black, Boyd, Bullock, Craig, Diggs, Drake, Ellison, Etheridge, Henry, Hodo, Hurt, Kennedy, King, Knox, Lowe, McCaskey, Moore, Oates, Rice, Semmes, Smith of Greene, Smith of Sumter, Smitherman, Strauss, Thompson, Toulmin and Tyler—29.

Nays—Messrs. Appleton, Bulger, Carlin, Clements, Cochran, Crook, Gaskin, Gee, Gilchrist, Grayson to Clarke, Hamil-

ton; Haralson, Henderson, Howell, Johnson of Coosa, Johnson of Dallas, McCall, Marlowe, Nininger, Payne, Perrin, Speake, Taylor of Lauderdale, Taylor of Winston, Ware and Weatherford—26.

Message from the Senate, by Mr. Whiting :

SENATE CHAMBER,  
February 19, 1872. }

Mr. Speaker :

The Senate has originated and passed bills as follows :

To amend subdivision 7 of section 112 of the Revised Code. of 1868, approved December 31 st, 1868.

To prohibit the sale of liquors within three miles of Rehoboth church in Elmore county.

M. P. BLUE,  
Secretary.

By leave Mr. Oates offered joint memorials to Congress in relation to the Choctawhatchie river. .

To Congress on the subject of aid by grant of lands to the Eufaula, Abbeville and Gulf railroad company.

Which were severally adopted.

Also, a resolution as follows :

Resolved, That the Senate be, and is hereby requested to return to this House all the evidence taken by the House committee, in the case of the Hon. John Elliott, Judge of the 6th judicial circuit of Alabama.

Which was adopted.

The House then adjourned until this afternoon, 4 o'clock.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Bulger in the chair.

#### GENERAL ORDERS.

The House proceeded to consider the general orders.

The House bills—

For the relief of W. L. Mims of Monroe county :

To regulate the mode of taking and approving of the official bonds of county officers ;

To restrain the tax collector of Barbour county from col-

lecting excessive taxes from William P. ,John C. and Henry C. Copeland, Charles Burriss, Mrs. Jane Carver and Dr. E. S. E. Bryan, all of the city of Eufaula, for the year 1871.

Were severally read a third time, and passed.

The House bill—

To prohibit the sale of liquors, and the taking of pictures, within one mile of Spring Creek Camp Ground, in Cherokee county ;

Was read a third time, and on motion of Mr. Oates, was laid on the table.

The House bill—

To repeal an act to suppress murder, lynching, assaults and batteries, approved December 28, 1868, so far as the same relates to the county of Jefferson ;

Was read a third time, and made special order for tomorrow, 12 M.

The House bill —

To authorize Thomas E. Blanchard, a citizen of the State of Georgia, to qualify as executor of the estate of John Mitchell, deceased ;

Being on its passage, it was passed.

The House bill—

Creating additional voting precincts in the counties of Washington, Dallas and Conecuh ;

Was read a third time.

Mr. Boyd moved to lay the bill on the table ;

Which was lost; and the bill passed.

The House bill —

To exempt the Columbus, Fayette & Decatur Railroad from taxation ;

Which was read a third time, and passed ;

Yeas 48, nays 5.

Yeas—Messrs. Appleton, Benson, Black, Boyd, Bullock, Clements, Coleman, Craig, Crook, Curtis, Drake, Etheridge, Gee, Gilchrist, Grayson of Clarke, Green, Hamilton, Haralson, Henderson, Hitchcock, Hodo, Holmes of Baldwin, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, Kennedy, Knox, Lowe, Marlowe, Miller, Moore, Murrah, Nininger, Oates, Payne, Rice, Smith of Greene, Smith of Sumter, Smitherman, Speake, Strauss, Taylor of Winston, Thompson, Toulmin, Ware, Weatherford and Williams—48.

Nays—Messrs. Bulger, Henry, McCall, Perrin and Taylor of Lauderdale—5.

The House bill—

Declaring E. T. Varner, R. E. Varner and L. V. Alexander  
liners between the counties of Barbour and Bullock ;

Was read a third time, and laid on the table.

The House bill—

To prohibit fortune telling in this State ;

Was read a third time.

Mr. Oates moved its indefinite postponement;

Which was lost, and the bill was passed.

The House bill—

To change the boundary line between the counties of But-  
ler and Crenshaw ;

Was read a third time, and laid on the table.

By leave, Mr. Howell introduced a bill—

To prohibit the sale of liquors within one mile of Spring  
Creek Camp Ground, in Cherokee county;

Which was read twice, under a suspension of the constitu-  
tional rule.

Mr. Knox moved to amend by inserting Mount Moriah  
church, in Montgomery county ;

Which was adopted ;

And the bill was read a third time, under a suspension of the  
constitutional rule, and passed.

The House bill—

To amend section 2371 of the Revised Code ;

Was read a third time.

Mr. Smith of Sumter moved to lay the bill on the table ;

Which was lost.

Yeas— 26, nays 30.

Yeas—Messrs. Appleton, Benson, Carlin, Clements, Cole-  
man, Crook, Curtis, Diggs, Drake, Etheridge, Gaskin, Gil-  
christ, Henry, Hitchcock, Kennedy, Knox, Moore, Nininger,  
Smith of Greene, Smith of Sumter, Speake, Taylor of Winston,  
Thompson, Tyler, Weatherford and Williams—26.

Nays—Messrs. Ashurst, Black, Bulger, Bullock, Craig, Gee,  
Graham, Green, Hamilton, Haralson, Hodo, Hurt, Johnson of  
Coosa, Johnson of Dallas, King, Lowe, McCall, McCaskey,  
Marlowe, Miller, Murrah, Oates, Payne, Perrin, Rice, Smith-  
erman, Strauss, Taylor of Lauderdale, Toulmin and Ware—30.

And the bill passed.

Yeas 31, nays 26.

Yeas—Messrs. Ashurst, Black, Bullock, Carlin, Clements,  
Craig, Crook, Drake, Hamilton, Henderson, Hodo, Holmes of  
Baldwin, Johnson of Coosa, King, Knox, Lowe, McCaskey,



McCall, Marlowe, Miller, Murrah, Nininger, Oates, Payne, Perrin, Rice, Smitherman, Strauss, Taylor of Lauderdale, Toulmin and Ware—31.

Nays—Messrs. Appleton, Benson, Bulger, Coleman, Curtis, Diggs, Etheridge, Gaskin, Gee, Gilchrist, Grayson of Clarke, Green, Henry, Hitchcock, Howell, Hurt, Johnson of Dallas, Kennedy, Moore, Smith of Greene, Smith of Sumter, Speake, Taylor of Winston, Thompson, Tyler and Weatherboard—26.

Mr. Carlin moved to reconsider the vote just taken.

Mr. Thompson moved to postpone the consideration of the motion until Thursday next ;

Which was laid on the table.

Mr. Henry moved to adjourn until to-morrow, 10 A. M.;

And the motion to reconsider was laid on the table.

On motion of Mr. Henry—

The House adjourned until to-morrow morning 10 o'clock

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## SIXTY-SECOND DAY.

TUESDAY, February 20, 1872.

The House met pursuant to adjournment.

Mr. Bulger in the chair.

Prayer by Rev. Dr. Wadsworth.

The journal of yesterday was read and approved.

On motion of Mr. Toulmin, the vote on the passage of the bill—

To regulate the mode of taking and approving bond of county officers, was reconsidered ;

And, on motion of Mr. Boyd, its further consideration was made the special order for the afternoon, at 4 o'clock.

On motion of Mr. Toulmin, the vote on the passage of the Senate bill—

To authorize William O. Baldwin of Montgomery to take out letters of guardianship of the person and property of William O. Baldwin, a minor, was reconsidered.

Mr. Payne moved to reconsider the vote on the passage of the Senate bill—

In relation to mechanics' liens in the State of Alabama.

Mr. Boyd moved to lay the motion on the table ;

Which was lost.

And the motion to reconsider was lost.

Message from the Senate, by Mr. Whiting:

SENATE CHAMBER,  
Montgomery, Feb. 20, 1872.}

Mr. Speaker:

The Senate has amended, as therein shown, and passed the following House bill—

To amend sections four, six, nine, twelve and twenty-eight of an act entitled an act to amend the charter of the city of Montgomery, and the various laws heretofore passed amending the said character, approved March 3, 1870.

And has originated and passed a bill—

To establish a criminal court in the county of Russell, with criminal and civil jurisdiction.

M. P. BLUE,  
Secretary.

The following veto message was received from the governor, by Mr. Chardavoyne:

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
Montgomery, February 20, 1872.}

Gentlemen of the Senate and House of Representatives :

I return without my approval a bill to be entitled " An act to enlarge the criminal jurisdiction of justices of the peace, in their respective beats or precincts, in the county of Marengo."

The first section of the bill enacts, " that each justice of the peace in the county of Marengo shall have concurrent jurisdiction with the circuit and county courts of said county, of all misdemeanors committed in the respective beat or precinct of such justices of the peace in said county," except gaming and violations of the revenue law. The proviso of the tenth section of article one of the constitution, which is in these words : " That in cases of petit larceny, assault, assault and battery, affray, unlawful assemblies, vagrancy, and other misdemeanors, the general assembly may by law dispense with a grand jury, and authorize such prosecutions and proceedings before justices of the peace or such inferior courts as may be by law established," does not, in my opinion, vest in the general assembly the power of conferring upon each justice of

the peace in a particular county concurrent jurisdiction with circuit courts of all misdemeanors. This proviso was first introduced into the constitution of 1865, and was no doubt intended to relieve the superior judicial tribunals from the costs and undue consumption of time to which they were continually subjected, by the prosecution of minor and trifling offenses ; but I can not imagine that the framers of the constitution contemplated that a justice of the peace should, by a law in general and unqualified terms, be invested with a jurisdictional power as large as the circuit court in the trial of all misdemeanors.

The statutory distinction between a felony and a misdemeanor, is the character of the punishment ; not always the grade or aggravation of its criminality, nor the simplicity of the law applicable to the case. Justices of the peace are usually of a class of citizens eminent for their probity and sound common sense, but rarely for exalted attainments in judicial learning. In the trial of assaults and batteries, vagrancy, and kindred misdemeanors, of plain facts and simple law, the judicial knowledge may suffice ; but I hope the general assembly will agree with me in the opinion, that the higher misdemeanors and those involving intricacies of law should be left to the decision of courts presided over by judges learned in the law.

I therefore respectfully submit to your consideration the constitutionality and policy of the bill returned.

ROBT. B. LINDSAY.

The House proceeded to consider the special order, it being the bill reported by the committee on internal improvements, to-wit :

To provide for the reduction of the liabilities of the State, by the substitution of State bonds to the amount of \$4, 000 per mile in lieu of the State indorsement heretofore authorized of the bonds of various railroad companies entitled thereto.

The question being on the adoption of the substitute reported by the committee—

Mr. Powell moved to postpone the consideration of the bill until 4 o'clock this afternoon.

Yeas 15, nays 48.

Yeas—Messrs. Alley, Carlin, Cochran, Gilchrist, Haralson, Johnson of Dallas, Knox, Nininger, Powell, Smith of Sumter, St. Clair, Taylor of Lauderdale, Thompson, Tyler and Wells—15.

Nays—Messrs. Appleton, Ashurst, Black, Boyd, Bradford, Bulger, Bullock, Clark, Clements, Craig, Crook, Curtis, Dozier,

Duskin, Ellison, Etheridge, Gaskin, Gee, Graham, Grayson of Clarke, Hamilton, Hewitt, Hitchcock, Hodo, Hurt, Johnson of Coosa, Kennedy, Lindsay, Lowe, McCall, McCaskey, Mancill, Marlowe, Miller, Moore, Murrah, Oates, Payne, Rice, Smith of Greene, Smitherman, Speake, Speed, Strauss, Taylor of Winston, Ware, Weatherford and White—48.

Mr. Powell moved to lay the bill on the table;

Which was lost.

Yeas 27, nays 46,

Yeas—Messrs. Speaker, Alley, Ashurst, Benson, Bradford, Bulger, Carlin, Craig, Crook, Etheridge, Gaskin, Haralson, Johnson of Coosa, Johnson of Dallas, Henry, Knox, McCall, Mancill, Moore, Nininger, Powell, St. Clair, Speed, Thompson, Tyler, Wells and Williams—27.

Nays—Messrs. Appleton, Black, Boyd, Bullock, Clements, Cochran, Coleman, Curtis, Diggs, Dozier, Duskin, Ellison, Gee, Gilchrist, Graham, Grayson of Clarke, Hamilton, Henderson, Hewitt, Hitchcock, Hodo, Holmes of Baldwin, Howell, Hurt, Kennedy, Lindsay, Lowe, McCaskey, McDermott, Marlowe, Miller, Murrah, Oates, Payne, Perrin, Rice, Smith of Greene, Smith of Sumter, Smitherman, Speake, Strauss, Taylor of Lauderdale, Taylor of Winston, Ware, Weatherford and White—46.

The question being put on the adoption of the substitute reported by the committee, it was adopted.

Yeas 50, nays 16.

Yeas—Messrs. Ashurst, Benson, Boyd, Bulger, Bullock, Clements, Coleman, Craig, Curtis, Dozier, Duskin, Ellison, Etheridge, Gaskin, Gee, Gilchrist, Graham, Grayson of Clarke, Hamilton, Haralson, Henry, Hitchcock, Hodo, Holmes of Baldwin, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, Kennedy, Lindsay, Lowe, McCaskey, McDermott, Marlowe, Miller, Murrah, Nininger, Payne, Perrin, Rice, Semmes, Smith of Greene, Smith of Sumter, Smitherman, Strauss, Toulmin, Ware, Weatherford and White—50.

Nays—Messrs. Speaker, Bradford, Carlin, Crook, Hewitt, Knox, McCall, Mancill, Moore, Powell, Speake, St. Clair, Speed, Thompson, Tyler and Wells—16.

Mr. Black moved to amend by exempting from the provisions of the bill the Vicksburg and Brunswick Railroad Company.

Mr. Lowe moved to amend the amendment by adding the Alabama & Chattanooga Railroad Company, the Mobile and Montgomery Railroad Company, the Montgomery & Eufaula

Railroad Company, and the South & North Alabama Railroad Company.

Mr. McCall moved to lay the amendment and the amendment to the amendment on the table ;

Which was lost.

Yeas 21, nays 47.

Yeas—Messrs. Speaker, Alley, Ashurst, Bradford, Bulger, Cochran, Etheridge, Gaskin, Haralson, Henry, Hitchcock Hodo, Johnson of Dallas, McCall, Mancill, Marlowe, Murrah, Perrin, Powell, Tyler and Ware—21.

Nays—Messrs. Black, Boyd, Bullock, Carlin, Clements, Coleman, Crook, Curtis, Doster, Dozier, Duskin, Ellison, Gee, Gilchrist, Graham, Grayson of Clarke, Hamilton, Henderson, Hewitt, Howell, Hurt, Johnson of Coosa, Kennedy, King, Knox, Lindsay, Lowe, McCaskey, McDermott, Miller, Moore, Nininger, Payne, Semmes, Smith of Greene, Smith of Sumter, Smitherman, Speake, St. Clair, Speed, Strauss, Taylor of Lauderdale, Taylor of Winston, Thompson, Toulmin, Weatherford and White—47.

The amendment of Mr. Lowe was adopted;

And Mr. Black's amendment as amended was adopted.

Mr. Taylor moved to amend the bill by way of substitute.

Mr. Lowe moved to lay the substitute on the table ;

Which was lost.

Mr. Lowe moved the indefinite postponement of the substitute.

Mr. Carlin moved to postpone the further consideration of the bill until 12 o'clock to-morrow, and that 100 copies of the substitute be printed.

Mr. Oates moved to lay Mr. Carlin's substitute on the table;

Which carried.

Mr. Payne moved to postpone the further consideration of the bill until this afternoon at 4 o'clock ;

Which, on motion of Mr. Lowe, was laid on the table.

On motion of Mr. Taylor of Lauderdale,

The House adjourned until this afternoon, 1 o'clock.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

By leave—

Mr. Duskin introduced a bill—

To remove the administration of the estate of Caroline

Goree, deceased, from the county of Greene to the county of Hale ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Bulger moved to amend by additional section, as section 4, so as to authorize the removal of the administration of the estate of Willis Maxwell from Tallapoosa to Coosa county ;

Which was adopted ;

And the bill read a third time, under a suspension of the constitutional rule, and passed.

The title was amended by adding the following :

"And the administration of the estate of William Maxwell, deceased, from the probate court of Tallapoosa county to the probate court of Coosa county.

The committee on fees and salaries reported favorably to the bill—

To regulate the fees of notary public and justices of the peace for Wilcox county, and to provide for the payment of the same in certiorari cases ;

Which was read a third time, under a suspension of the constitutional rule, and passed.

The Senate bill —

To authorize William O. Baldwin of Montgomery to take out letters of guardianship of the person and property of William O. Baldwin (minor), being the special order for the hour of 4½ o'clock ;

The question—on the passage of the bill—it was passed.

Mr. Smith of Sumter, from the committee on privileges and elections, reported adversely to the following bills—

To establish an election precinct at Bradley creek church, in Conecuh county.

To repeal section 96 of an act to regulate elections in this State.

To regulate the right of challenge at elections;

Which were severally concurred in.

Also, from same committee, to which was referred the resolution declaring the seat of the Hon. L. C. Carlin, member from Marengo county, vacated on account of his being a non-resident to this State ;

Report that, after investigation, the committee were unable to procure evidence showing that he had forfeited his right to a seat on this floor, as a member, on account of his removal from the county of Marengo with the intention to changing

his residence, and the committee ask to be discharged from the further consideration of the question.

The committee were discharged.

Also, from same committee, favorably to the following bills—

To regulate election returns in Colbert county ;

To apportion representation to Colbert county ;

To confine the holding of elections in this State to the first Tuesday after the first Monday in November.

Which were severally read a third time under a suspension of the constitutional rule.

#### SPECIAL COMMITTEE.

Mr. Oates, from a special committee, reported a substitute for the Senate joint resolution—

For paying the expenses incurred by the Senate committee for investigating the condition of the Alabama & Chattanooga Railroad.

The first blank in the substitute was filled by inserting \$60.

The second and third blanks were filled by inserting \$60.

Mr. Knox moved to lay the bill on the table;

Which was lost

Mr. Knox moved to fill the blank after the name of Mr. Goode, with \$10;

Which was lost.

Mr. Speake moved to fill with \$60;

Which was lost.

Mr. Powell moved to fill with \$75.

Mr. Knox moved to lay the bill on the table;

Which was lost.

Mr. Boyd moved its indefinite postponement;

Which was lost.

Mr. Black moved to amend Mr. Powell's motion by inserting \$1;

Which was laid on the table.

Mr. Black moved to amend Mr. Powell's motion by inserting \$3;

Which was laid on the table.

On motion of Mr. Boyd, the bill was recommitted to a special committee of five , as follows:

Messrs. Boyd, Speake, Taylor of Lauderdale, Duskin and Knox.

## WAYS AND MEANS.

Mr. Oates, from the committee on ways and means, reported favorably to the bill—

Supplementary to the act to relieve and regulate the finances of the State.

Mr. Lowe moved to amend the bill relating to fiscal agents.

Mr. Marlowe moved to lay the bill on the table, and print 100 copies ;

Which, on motion of Mr. McCall, was laid on the table.

Mr. Moore moved to amend by adding—

" That the unpaid claims of teachers for the year 1868, properly authenticated and indorsed by the county superintendent, shall also be paid out of the funds provided by this act ; "

Which, on motion of Mr. Thompson—

Was laid on the table.

On motion of Mr. Oates—

The further consideration of the bill was postponed, and made the special order for half past 10 o'clock to-morrow morning.

## SPECIAL COMMITTEE.

Mr. Doster, from a special committee, reported favorably to the Senate bill—

To amend sections 1 and 2 of an act to incorporate the South & North Alabama railroad company ;

Which was read a. third time, under a suspension of the constitutional rule, and passed.

## WAYS AND MEANS.

Mr. Oates, from the committee on ways and means, reported favorably to the bill—

To provide for a sinking fund for the redemption of the State debt ;

With the following amendment :

Strike out the words " the bank," wherever they occur, and insert " fiscal agents ;"

Pending the consideration of which—

On motion of Mr. Boyd—

The House adjourned until to-morrow morning 10 o'clock.



## SIXTY-SECOND DAY.

WEDNESDAY, February 21, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Smith of Greene.

The journal of yesterday was read and approved.

Messages from the Senate, by Mr. Whiting :

SENATE CHAMBER,  
Montgomery, Feb. 21, 1872.}

Mr. Speaker:

The Senate has passed House bills as follows—

To authorize the governor to issue a patent conveying section sixteen, in township sixteen, range seven, west, to Wm. H. Snow, upon certain conditions therein expressed,

To allow G. W. S. Hunter, a blind man, of Randolph county, to show certain things, therein named, free of State and county license.

To amend section 3 of an act entitled an act to empower the commissioners court of Chambers county to issue bonds for the purpose of liquidating the present indebtedness of said county.

To authorize Eliza M. Buchanan, administrator of the estate of Howell R. Buchanan, deceased, to sell the lands of said estate at private sale.

To establish the fees of the county treasurer of Washington county.

To authorize Margaret Wilson, widow of Irvin Wilson, deceased, to sell and convey by deed certain lands therein named.

For the relief of Mrs. Hannah T. Newman, of DeKalb county.

To compensate L. F. Elliott, late jailer of Shelby county, for feeding certain prisoners.

To prevent the obstruction of the free passage of fish into and out of the waters of Flint Creek, Morgan county.

To relieve James E. Knott, guardian of Elmira E. Knott and William M. Knott, minors, of Sumter county, from making annual settlements of his guardianship in the probate court for three years.

To exempt all transcripts and other papers used in making

out claims for pensions and county claims, &c., from stamp tax on State and county seals.

To provide an additional term of the chancery court for the first district in the middle division, composed of the county of Coosa.

For the relief of Thomas J. Kinnard, of Hale county.

To authorize Warner Bailey, of Choctaw county, to erect gates across the public highway.

To repeal an act entitled an act fixing the compensation of the treasurer of Clarke county, approved February 14, 1870.

To authorize William A. Walker, Jr., administrator to the estate of Richard B. Walker, deceased, to sell the lands of said estate and the dower interest of Mary M. Walker, widow of said decedent, at private or public sale, without an order of court.

To authorize Mrs. Jane Hamilton, of Sanford county, to sell certain lands therein mentioned.

To incorporate the town of Pine Apple, in Wilcox county.

To remove the administration of the estate of James Gordy, deceased, from the probate court of Barbour county into the probate court of Marengo county.

To authorize and empower John Quinn, of Muscogee county, Georgia, to administer upon the estate of James Torrey, in Russell county, Alabama.

To regulate the pay of grand and petit jurors of DeKalb county.

For the relief of Peter M. Ragsdale and J. C. Coleman, of Marshall county.

To amend section 2721 of the Revised Code.

To relieve the tax collector of Washington county, Alabama.

To prohibit the sale of vinous or spirituous liquors within one mile and a half of the male and female academy at Sandy Ridge, Lowndes county.

To change the line between Lee and Chambers county, so as to include the southwest quarter of section eight, township twenty, range five, in Lee county.

To amend section 117 of an act entitled an act to establish revenue laws for the State to Alabama, approved December 31, 1868, so far as the same applies to the county of Henry.

To prescribe the time when the criminal dockets shall be taken up in the counties of Walker, Fayette, Marion, Sanford and Winston.

For the better protection of human life.

To fix the distance for which mileage shall be allowed for Geneva county.

To prevent camp hunting in the county of Marion.

To raise revenue for the State.

To amend section one of an act entitled an act to authorize the Georgia Western railroad company to extend and construct their road from the Georgia line to the town of Gadsden, on the Coosa river, approved December 31, 1868.

To pay fees in certain cases to the solicitor of Dallas county, out of the general fund to said county.

To repeal an act entitled an act to incorporate the Central Southern Mechanical and literary institute, approved January 30, 1852.

And has adopted House joint resolutions as follows:

To the president of the United States, in behalf of the farming interests of Alabama.

To divide the State into seven congressional districts.

And appointed on joint committee on part of the Senate—  
Messrs. Sanford, Coon, Worthy, Lambert, Martin of Tuscaloosa and Sevier.

And has receded from Senate amendment to House bill—

To prohibit the sale of vinous or spirituous liquors within two miles of Town Creek church, Dallas county.

M. P. BLUE,  
Secretary.

SENATE CHAMBER,  
February 21, 1872. }

Mr. Speaker :

The Senate has adopted substitute, as herewith transmitted, for the House bill—

To enforce the collection of taxes from express companies.

And has originated and passed a bill—

To authorize John Austin, of Morgan county, to sell at private sale the interest of Mary Austin and Jane Edwards in the estate of Isaac Edwards, deceased.

M. P. BLUE,  
Secretary.

SENATE CHAMBER,  
Montgomery, Feb. 21, 1872. }

Mr. Speaker:

The Senate has originated and passed a bill—

To secure to the United States land register and land receiver at Mobile the amounts due them by the State for entering patents for the swamp and overflowed lands.

M. P. BLUE,  
Secretary.

On motion of Mr. Bradford —

The House proceeded to consider the veto message of the governor to the bill—

To allow prosecutors in criminal cases to have counsel, who shall be leading counsel in such cases.

The question being, " Shall the bill pass notwithstanding thereto?"

It was put and lost.

Yeas 30, nays 40.

Yeas—Messrs. Ashurst, Boyd, Bradford, Bulger, Cook, Dustan, Gaskin, Gee, Grayson of Clarke, Haralson, Henderson, Hewitt, Hitchcock, Hodo, Howell, Johnson of Dallas, King, Lewis, McCall, Murrah, Payne, Perrin, Semmes, Speed, Thompson, Toulmin, Tyler, Ware, White and Williams—30.

Nays—Messrs. Speaker, Appleton, Alley, Benson, Bullock, Calloway, Coleman, Cowan, Curtis, Diggs, Doster, Dozier, Duskin, Etheridge, Gilchrist, Graham, Grayson of Madison, Hamilton, Holmes of Sumter, Hurt, Johnson of Coosa, Kennedy, Knox, Leath, Lindsay, Miller, Moore, Nininger, Powell, Raisler, Rice, Smith of Greene, Smitherman, Speake, St. Clair, Steele, Taylor of Lauderdale, Taylor of Winston, Weatherford and Wells—40.

The House next proceeded to the consideration of the veto message of the Governor to the bill—

To enlarge the criminal jurisdiction of justices of the peace in their respective beats, in Marengo county.

The question being—

"Shall the bill pass, not withstanding the veto of the Governor?"

Yeas 14, nays 57.

Yeas—Messrs. Bradford, Coleman, Doster, Dustan, Gaskin, Grayson of Madison, Haralson, Hodo, Howell, Johnson of Dallas, McCaskey, Nininger, Tyler, and Williams—14.

Nays—Messrs. Speaker, Alley, Appleton, Benson, Black, Boyd, Bulger, Bullock, Clements, Cowan, Craig, Crook, Curtis, Diggs, Dozier, Ellison, Etheridge, Gee, Gilchrist, Graham, Grayson of Clarke, Hamilton, Henderson, Henry, Hewitt, Hitchcock, Holmes of Sumter, Hurt, Johnson of Coosa, Ken-

nedy, King, Lewis, Lindsay, Lowe, McCall, McDermott, Miller, Murrah, Payne, Perrin, Powell, Raisler, Semmes, Sims, Smith of Greene, Smitherman, Speake, St. Clair, Steele, Taylor of Lauderdale, Taylor of Winston, Thompson, Ware, Weatherford, Wells and White—57.

On motion of Mr. Powell—

The vote referring to a special committee, the joint resolution of the Senate, for paying the expenses incurred by the Senate committee for investigation of the condition and management of the Alabama and Chattanooga railroad,

Was reconsidered.

On motion of Mr. Hewitt—

The consideration of the special orders for this day was suspended, as also the regular order of business, for the purpose of considering the bill—

To provide for the reduction to the liabilities of the State of Alabama, by the substitution of State bonds to the amount of \$4,000 per mile in lieu of the State endorsed bonds heretofore authorized, of the bonds of various railroad companies entitled thereto.

The question being on the adoption to' the substitute offered by Mr. Taylor,

Mr. Powell moved to amend the substitute of Mr. Taylor by way of a substitute.

Mr. Bullock moved to lay the amendment and the amendment to the amendment on the table.

A division of the question being called for—

The question was first taken on laying on the table the amendment to the amendment;

Which was carried.

Yeas 41, nays 37.

.Yeas—Messrs. Alley, Boyd, Bradford, Bullock, Clements, Crook, Curtis, Diggs, Doster, Dozier, Duskin, Dustan, Gil-Christ, Graham, Grayson of Madison, Hamilton, Haralson, Henderson, Henry, Hewitt, Hitchcock, Hodo, Howell, Hurt Kennedy, Knox, Leath, Lewis, Lindsay, Lowe, Miller, Moore, Murrah, Perrin, Raisler, Rice, Semmes, Smith of Greene, Smitherman, Toulmin and Wells—41.

Nays—Messrs. Speaker, Appleton, Ashurst, Benson, Black, Bulger, Calloway, Cowan, Craig, Ellison, Etheridge, Gaskin, Gee, Grayson of Clarke, Holmes of Sumter, Johnson of Coosa, Johnson of Dallas, McCall, McCaskey, McDermott, Marlowe, Nininger, Payne, Powell, Sims, Speake, St. Clair,

Steele, Speed, Strauss, Taylor of Lauderdale, Taylor of Winston, Thompson, Tyler, Ware, White and Williams—37.

The question was next taken on laying on the table the substitute of Mr. Taylor ;

Which was carried.

Yeas 61, nays 15.

Yeas—Messrs. Alley, Ashurst, Black, Bradford, Boyd, Bullock, Calloway, Clark, Coleman, Cowan, Crook, Curtis, Diggs, Doster, Dozier, Duskin, Dustan, Etheridge, Gaskin, Gee, Graham, Grayson of Clarke, Grayson of Madison, Haralson, Henderson, Henry, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, Kennedy, King, Knox, Leath, Lindsay, Lowe, McCall, McCaskey, Marlowe, Miller, Moore, Murrah, Nininger, Oates, Perrin, Powell, Rice, Smith of Greene, Smitherman, St. Clair, Speed, Strauss, Thompson, Toulmin, Tyler, Wells and Williams—61.

Nays—Messrs. Speaker, Appleton, Gilchrist, Hamilton, Lewis, Payne, Raisler, Semmes, Speake, Steele, Taylor of Lauderdale, Taylor of Winston, Ware, Weatherford and White—15.

Mr. Bullock moved to amend, by way of substitute.

Mr. Taylor of Lauderdale, moved to amend the substitute, by striking out section 4, and inserting as follows :

" Any railroad accepting the provisions of this act shall pay into the State treasury annually for twelve years thereafter, one twelfth of the amount of the State bonds issued by the Governor to such railroad, the same to be assessed and collected by the auditor, as a tax upon such road, and in the manner that other State taxes are now collected, from railroads in the State ;

Which, on motion of Mr. Knox,

Was laid on the table ;

Yeas 44, nays 23.

Yeas—Messrs. Alley, Black, Bullock, Calloway, Clark, Coleman, Curtis, Doster, Dozier, Duskin, Dustan, Etheridge, Gee, Graham, Grayson of Clarke, Grayson of Madison, Haralson, Henderson, Hewitt, Hitchcock, Johnson of Dallas, Knox, Lindsay, Lowe, McCaskey, McDermott, Moore, Murrah, Nininger, Oates, Powell, Rice, Semmes, Smith of Greene, Smitherman, St. Clair, Speed, Strauss, Thompson, Toulmin, Tyler, Ware, Wells and Williams—44.

Nays—Messrs. Speaker, Appleton, Benson, Boyd, Cowan, Gilchrist, Hamilton, Henry, Hodo, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Leath, Lewis, McCall, Miller, Payne,

Raisler, Speake, Steele, Taylor of Lauderdale, and White—23.

Mr. Lowe moved to amend the substitute, by proviso, as follows :

"Provided, the Alabama and Chattanooga railroad company, the Mobile and Montgomery railroad company, the Montgomery and Eufaula railroad company, the Vicksburg and Brunswick railroad company, and the South and North Alabama railroad company shall not be subject in anywise to the provisions of this act."

Pending the consideration of which,

On motion of Mr. Lewis—

The further consideration of the bill was postponed until this afternoon 4 o'clock.

Message from the Governor, by Mr. Chardavoyne :

Mr. Speaker :

I am directed by his excellency the governor to inform you that he has approved the following acts originating in the House of Representatives :

To facilitate the construction of the Alabama portship and canal.

Joint memorial relating to a ship communication between the waters of the Gulf of Mexico and the Atlantic ocean, through the Florida Peninsula.

For the relief of B. M. Cartledge, of Butler county,

C. L. Wing, of Colbert county ;

Charles L. Watts, of Montgomery county.

To authorize Williamson Spears of Coosa county to peddle without license.

To incorporate the town of Prattville.

To fix the time and place of holding the chancery court in the districts composed of the counties of Barbour, Henry and Dale, of the eastern chancery division of Alabama.

To authorize the issuance of county bonds by the court of county commissioners of Elmore county.

Respectfully,

W. V. CHARDAVOYNE,

Secretary.

#### SPECIAL ORDER.

The House proceeded to the consideration of the special order for the hour of 10:30 o'clock, it being the bill—

Supplementary to an act to relieve and regulate the finances of the State.

Mr. Moore moved to amend as follows :

Provided, That whenever the superintendent of public instruction is satisfied that any township or fraction of township has failed to be credited with what should have been its legal apportionment of the school fund for any year, through error in the enumeration reports of trustees, or through failure in any manner of the department of education to credit such township with the amount legally due it, for any year under the law regulating the school fund for that year, it shall be the duty of the said superintendent to certify such indebtedness to the State auditor, who shall issue his warrant upon the treasurer therefor, to be paid from the money realized under the provisions of this act.

On motion of Mr. Boyd—

The amendment was laid on the table.

Mr. Semmes moved to amend section 4, by striking out all after the word "than" in the 3d line from the last, and inserting the words, "to meet any deficiency which may now or which may during the fiscal year 1872, exist in the public school system fund of the State ;"

Which was adopted.

Mr. McCaskey moved to amend by inserting in section 2, after the words "State treasurer," the words "or some one appointed by him ;"

Which was adopted.

Mr. Lowe moved to amend by striking out "fiscal agents of the State hereinafter named, " and insert " treasurer of the State."

Mr. McCall moved to lay the amendment on the table ;

Which was lost.

Yeas 30, nays 40.

Yeas—Messrs. Bullock, Carlin, Curtis, Doster, Dozier, Dustan, Gaskin, Gee, Gi christ, Graham, Haralson, Henderson, Hewitt, Hodo, Johnson of Coosa, Johnson of Dallas, Kennedy, Lindsay, McCall, McCaskey, McDermott, Nininger, Payne, Steele, Speed, Strauss, Weatherford, Wells, White and Williams—30.

Nays—Messrs. Speaker, Ashurst, Benson, Black, Boyd, Calloway, Clarke, Cochran, Cowan, Crook, Diggs, Ellison, Etheridge, Grayson of Clarke, Grayson of Madison, Henry, Hitchcock, Howell, Hurt, Knox, Leath, Lewis, Lowe, Mar-



lowe, Miller, Moore, Murrah, Perrin, Powell, Raisler, Rice, Semmes, Smith of Greene, Speake, St. Clair, Taylor of Lauderdale, Taylor of Winston, Thompson, Tyler and Ware—40.

And the amendment of Mr. Lowe was adopted ;

And the bill read a third time, under suspension of the constitutional rule, and passed.

Yeas 63, nays 15.

Yeas—Messrs. Speaker. Alley, Ashurst, Benson, Black, Boyd Bullock, Callaway, Carlin, Clark, Cowan, Craig, Crook, Curtis, Diggs, Doster, Dozier, Duskin, Dustan, Etheridge, Gaskin, Gee, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Hamilton, Haralson, Henderson, Henry, Hewitt, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, King, Knox, Lindsay, Lowe, McCall, McCaskey, Marlowe, Miller, Moore, Nininger, Oates, Rice, Semmes, Sims, Smith of Greene, Speake, St. Clair, Speed, Strauss, Taylor of Lauderdale, Taylor of Winston, Thompson, Toulmin, Tyler, Ware, Weatherford, Wells and Williams—63.

Nays—Messrs. Appleton, Bradford, Bulger, Clements, Hitchcock, Hodo, Kennedy, Leath, Lewis, Murrah, Payne, Perrin, Raisler, Smitherman and White—15.

On motion of Mr. Speaker—

The House adjourned until 4 o'clock this afternoon.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

#### ENROLLED BILLS.

Mr. Powell, from the committee on enrolled bills, reported the following as correctly enrolled :

The bill—

To pay fees in certain cases to the solicitor of Dallas county out of the general fund of said county.

#### SPECIAL ORDER.

The House proceeded to consider the first special order for this hour, it being the bill—

To provide for a sinking fund for the redemption of the State debt ;

Which was read three times, under a suspension of the constitutional rule, and passed.

The House proceeded to consider the next special order, it being the bill—

To provide for the reduction of the liabilities of the State, by the substitution of State bonds to the amount of \$4,000 per mile in lieu of the State indorsement heretofore authorized of the bonds of various railroad companies entitled thereto.

The question being on the adoption of the amendment of Mr. Lowe—

Mr. Powell moved to postpone the further consideration of the bill, and make it a special order for to-morrow morning at quarter past 10 o'clock.

Mr. Lowe moved to lay the motion on the table ;

Which was carried.

Yeas 37, nays 28.

Yeas— Messrs. Bradford, Bulger, Bullock, Clements, Cowan, Craig, Doster, Dozier, Duskin, Dustan, Graham, Grayson of Madison, Hamilton, Henry, Hewitt, Hitchcock, Hodo, Howell, Hurt, King, Lewis, Lowe, Marlowe, Miller, Murrah, Oates, Raisler, Rice, Smith of Greene, Strauss, Taylor of Lauderdale, Taylor of Winston, Toulmin, Ware, Weatherford, Wells and White—37.

Nays—Messrs. Speaker, Alley, Appleton, Black, Calloway, Carlin, Clark, Cochran, Diggs, Etheridge, Gaskin, Gilchrist, Grayson of Clarke, Haralson, Johnson of Coosa, Johnson of Dallas, Knox, McCall, McCaskey, Nininger, Payne, Perrin, Powell, Semmes, Speake, Thompson, Tyler and Williams—28.

Mr. Payne moved to adjourn until to-morrow morning 10 o'clock ;

Which was lost.

Yeas 27, nays 38.

Yeas—Messrs. Speaker, Alley, Benson, Calloway, Carlin, Clark, Cochran, Diggs, Etheridge, Gilchrist, Haralson, Hurt, Johnson of Dallas, Miller, Moore, Murrah, Nininger, Payne, Perrin, Powell, Speake, St. Clair, Sims, Thompson, Weatherford, Wells and Williams—27.

Nays—Messrs. Bradford, Bulger, Bullock, Clements, Cowan, Craig, Curtis, Doster, Dozier, Duskin, Dustan, Gaskin, Gee, Graham, Grayson of Clarke, Grayson of Madison, Hamilton, Henderson, Hewitt, Hitchcock, Hodo, Howell, Johnson of Coosa, Kennedy, King, Knox, Lowe, McCall, McCaskey, Marlowe, Smith of Greene, Speake, Strauss, Taylor of Lauderdale, Toulmin, Tyler, Ware and White—38.

On motion of Mr. Thompson—

The further consideration of the bill was postponed, and made the special order for 11:30 o'clock to-morrow.

On motion of Mr. Carlin—

The House then adjourned until to-morrow morning 10 o'clock.

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#### SIXTY-FOURTH DAY.

THURSDAY, February 22, 1872.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Wadsworth.

The journal of yesterday was read.

Mr. Powell moved to have spread upon the journal of yesterday, in full, the substitute offered by him to the bill—

To provide for the reduction of the liabilities of the State, by the substitution of State bonds to the amount of \$4,000 per mile, in lieu of the State indorsement heretofore authorized of the bonds of various railroad companies entitled thereto ;

Which was carried.

On motion of Mr. Hewitt—

The vote just taken was reconsidered ;

And the question recurring on Mr. Powell's motion,

It was put and lost.

The journal of yesterday was approved.

#### SPECIAL ORDER.

The hour of 11 o'clock having arrived, the House proceeded to the consideration of the special order, it being the Senate bill—

For the relief of the Selma, Marion and Memphis railroad company.

Mr. Bulger made the point of order, that by a resolution adopted by the House, the business first in order was the consideration of the bill—

To protect the interest of the State in the Alabama and Chattanooga railroad.

Mr. Speaker ruled that the special order had precedence.

Mr. Bulger appealed from the decision of the chair ;

And the question being, Shall the decision of the chair be the decision of the House ?

It was put, and the chair was sustained ;  
Yeas 59, nays 15.

Yeas—Messrs. Alley, Appleton, Black, Bullock, Clark, Coleman, Cowan, Craig, Crook, Curtis, Diggs, Doster, Dozier, Duskin, Dustan, Etheridge, Gee, Gilchrist, Graham, Green, Gunn, Hamilton, Haralson, Henderson, Hitchcock, Hodo, Holmes of Baldwin, Holmes of Sumter, Hurt, Johnson of Dallas, Kennedy, King, Knox, Leath, Lewis, Lowe, Miller, Moore, Murrah, Nininger, Payne, Perrin, Rice, Sims, Smith of Greene, Smitherman, Speake, St. Clair, Steele, Speed, Strauss, Taylor of Lauderdale, Taylor of Winston, Thompson, Toulmin, Tyler, Ware, Wells and White—59.

Nays—Messrs. Benson, Bradford, Bulger, Calloway, Carlin, Clements, Gaskin, Hewitt, Howell, Johnson of Coosa, Lindsay, Lumpkin, McCall, McCaskey and Powell—15.

The House proceeded to the consideration of the special order.

Mr. Bullock moved to amend last proviso in section 1, by inserting, after "said first mortgage bonds shall be," the words, " a portion of ;"

Which was adopted.

Mr. Lewis moved to amend section 1 by adding:

Provided further, That in no event shall said company issue its first mortgage bonds in excess of \$16,000 per mile ;

Which was adopted.

Mr. Cowan moved to amend section 1 by adding the following :

On that portion of said road which is broad gauge, and eight thousand dollars per mile on that portion of said road which is narrow gauge ;

Pending which, on motion of Mr. Lowe—

The bill was referred to a special committee of three, to-wit: Messrs. Lowe, Bullock and Duskin.

On motion of Mr. Murrah,

The vote taken on yesterday on the passage of the bill—

Supplementary to an act to relieve and regulate the finances of the State,

Was reconsidered ;

And the clerk was ordered to request the Senate to return the bill to the House which had been transmitted on yesterday by order of the House.

Messages from the Senate, by Mr. Whiting :

SENATE CHAMBER,  
February 22, 1872. }

Mr. Speaker :

The Senate has concurred in House amendments to Senate bills—

For the relief of Mrs. Nancy Vardeman, of Coosa county.

For the relief of Mrs. Hannah S. Tate, of Coosa county.

M. P. BLUE,  
Secretary.

SENATE CHAMBER,  
Montgomery, February 22, 1872. }

Mr. Speaker :

As requested by the House, the Senate herewith returns House bill—

Supplementary to an act to relieve and regulate the finances of the State.

And has passed House bills—

To repeal an act of the board of education therein named.

To repeal an act of the board of education therein named.

To repeal an act of the board of education therein named.

To repeal an act of the board of education therein named.

M. P. BLUE,  
Secretary.

The next special order for the hour of 11:30 o'clock, being the bill—

To provide for the reduction of the liabilities of the State, by the substitution of State bonds to the amount of \$4,000 per mile in lieu of the State indorsement heretofore authorized of the bonds of the various railroad companies entitled thereto ;

Mr. McCall made the point of order, that as the time fixed for the consideration of the special order had passed, the bill had lost its priority over the bill—

To protect the interest of the State in the Alabama and Chattanooga railroad.

Mr. Speaker (Mr. Hewitt in the chair,) decided the point of order not well taken.

Mr. McCall appealed from the decision of the chair ;

And the question being, Shall the decision of the chair be the decision of the House ?

It was put, and the chair was sustained.

Yeas 48, nays 24.

Yeas—Messrs. Appleton, Bullock, Clements, Coleman, Cowan, Craig, Doster, Dozier, Duskin, Dustan, Gilchrist, Graham, Grayson of Clarke, Green, Hamilton, Haralson, Henry, Hitchcock, Hodo, Hurt, Johnson of Dallas, Kennedy, King, Leath, Lindsay, Lowe, McDermott, Miller, Moore, Murrah, Nininger, Oates, Payne, Rice, Semmes, Sims, Smith of Greene, Smitherman, Speake, St. Clair, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Toulmin, Weatherford, Wells and White—48.

Nays—Messrs. Alley, Black, Bulger, Calloway, Carlin, Clark, Cochran, Diggs, Etheridge, Gaskin, Gee, Henry, Johnson of Coosa, Knox, Lumpkin, McCall, Marlowe, Perrin, Powell, Speed, Thompson, Tyler, Ware and Williams—24.

And the House proceeded to the consideration of the special order.

The question pending being on the adoption of the amendment of Mr. Lowe to the substitute of Mr. Bullock—

Mr. Powell moved to lay the amendment on the table ;  
Which was lost.

Yeas 32, nays 43.

Yeas—Messrs. Speaker, Alley, Calloway, Carlin, Clark, Cochran, Craig, Diggs, Etheridge, Gaskin, Gee, Henry, Hodo, Johnson of Dallas, Kennedy, King, Knox, Lewis, Lumpkin, McCall, Marlowe, Moore, Payne, Perrin, Powell, St. Clair, Speed, Thompson, Tyler, Ware, White and Williams—32.

Nays—Messrs. Appleton, Bradford, Bulger, Bullock, Coleman, Cowan, Crook, Curtis, Doster, Dozier, Duskin, Dustan, Gilchrist, Graham, Grayson of Clarke, Green, Gunn, Hamilton, Haralson, Henderson, Hewitt, Hitchcock, Howell, Hurt, Johnson of Coosa, Leath, Lewis, Lowe, McCaskey, McDermott, Miller, Murrah, Nininger, Oates, Rice, Smith of Greene, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Toulmin and Weatherford—43.

And the amendmen( of Mc. Lowe,  
Was adopted.

The question being on the adoption of the substitute of Mr. Bullock ;

It was put, and lost.

Yeas 38, nays 41.

Yeas—Messrs. Appleton, Bullock, Cowan, Curtis, Doster, Dozier, Duskin, Dustan, Gee, Graham, Grayson of Clarke, Grayson of Madison, Green, Gunn, Haralson, Henry, Hewitt, Hitchcock, Howell, Hurt, Johnson of Dallas, King, Leath,

Lindsay Lowe, McCaskey, McDermott, Miller, Murrah, Nininger, Oates, Rice, Semmes, Strauss, Taylor of Winston, Toulmin, Weatherford and Wells—38.

Nays—Messrs. Speaker, Alley, Black, Bradford, Bulger, Calloway, Carlin, Clark, Cochran, Craig, Crook, Diggs, Drake, Etheridge, Gaskin, Gilchrist, Hamilton, Henry, Hodo, Johnson of Coosa, Kennedy, Knox, Lewis, Lumpkin, McCall, Marlowe, Moore, Payne, Perrin, Powell, Sims, Speake, St. Clair, Steele, Speed. Taylor of Lauderdale, Thompson, Tyler, Ware, White and Williams—41.

Mr. Powell moved the indefinite postponement of the further consideration of the bill ;

Which was lost.

Yeas 36, nays 40.

Yeas—Messrs. Speaker, Benson, Bradford, Bulger, Calloway, Carlin, Cochran, Craig, Crook, Drake, Etheridge, Gaskin, Gilchrist, Gunn, Hamilton, Hodo, Holmes of Sumter, Johnson of Coosa, King, Knox, Leath, Lewis, Lumpkin, McCall, Marlowe, Moore, Powell, Semmes, Smitherman, Speake, Steele, Taylor of Lauderdale, Thompson, Ware, Weatherford and White—36.

Nays—Messrs. Appleton, Black, Bullock, Clark, Cowan, Curtis, Diggs, Doster, Dozier, Duskin, Dustan, Green, Graham, Grayson of Clarke, Grayson of Madison, Gnnn, Haralson, Henry, Hewitt, Hitchcock, Howell, Hurt, Johnson of Dallas, Lindsay, Lowe, McCaskey, McDermott, Miller, Murrah, Nininger, Oates, Rice, Sims, Smith of Greene, Speed, Strauss, Taylor of Winston, Toulmin, Ware and Williams—40.

Mr. Black moved to reconsider the vote on the adoption of the substitute offered by Mr. Bullock.

Pending the consideration of which,

On motion of Mr. Bulger—

The House adjourned until this afternoon 4 o'clock.

Mr. Hewitt being entitled to the floor.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

Message from the Senate by Mr. Whiting :

SENATE CHAMBER,  
February 22, 1872. }

Mr. Speaker :

The Senate has originated and passed the following bill:  
For the relief of Mrs. M. Louise Thornton, of Colbert county.

To require notaries public in the counties of Clay and Coosa, to try all civil causes brought before them in the beat in which the defendant or any one of the several defendants reside.

And have originated and adopted  
A joint resolution, herewith transmitted, in relation to the distribution of Smith's Condensed Alabama Reports.  
M. P. BLUE,  
Secretary.

SENATE CHAMBER,  
Montgomery, Feb. 22, 1872. }

Mr. Speaker :

And has originated and passed the following bill :  
For the relief of Samuel P. Prowell, of Marengo county, and Henry F. Shelby of Lowndes county.

To repeal section 51 of an act to establish a new charter for the city of Selma, approved December 4th, 1868.

To authorize and empower the mayor and council of the city of Selma, to establish and provide a sinking fund for the payment of the principal and interest of the bonded debt of said city.

M. P. BLUE,  
Secretary.

Mr. Speaker announced the regular order of business under a resolution of the House, to be the consideration of the

GENERAL ORDERS.

Mr. Lowe made the point of order that when the House adjourned last, it was with the understanding and upon motion, to proceed with the consideration of the bill pending.

Mr. Speaker overruled the point of order ;  
Whereupon, Mr. Lowe appealed from the decision of the chair ;

And the question being—



" Shall the decision of the chair be the decision of the House" ;

It was put, and the chair was sustained.

Yeas 56, nays 15.

Yeas—Messrs. Alley, Appleton, Ashurst, Benson, Bradford, Bulger, Carlin, Clements, Cochran, Curtis, Drake, Gee, Gilchrist, Grayson of Clarke, Green, Gunn, Hamilton, Haralson, Henry, Hewitt, Hitchcock, Johnson of Coosa, Johnson of Dallas, Kennedy, Knox, Leath, Lewis, Lindsay, Lumpkin, McCall, McCaskey, Marlowe, Moore, Nininger, Payne, Perrin, Powell, Raisler, Semmes, Sims, Smith of Sumter, Smitherman, Speake, St. Clair, Steele, Taylor of Lauderdale, Taylor of Winston, Thompson, Toulmin, Tyler, Ware, Weatherford and White—52.

Nays—Messrs. Black, Boyd, Carlin, Doster, Dozier, Dustan, Graham, Grayson of Madison, Hodo, Howell, Lowe, Rice, Smith of Greene, Strauss and Wells—15.

Mr. Lowe moved to suspend the order of business to reconsider the bill—

To provide for the reduction of the liabilities by the substitution of State bonds to the amount of \$4,000 per mile, in lieu of the State endorsement heretofore authorized, of the bonds of various railroad companies entitled thereto.

Mr. Knox moved to lay the motion on the table ;

Which was lost.

Yeas 26, nays 52.

Yeas—Messrs. Speaker, Alley, Appleton, Ashurst, Benson, Bradford, Bulger, Calloway, Carlin, Cochran, Diggs, Drake, Geenre, Henry, Knox, Lumpkin, Marlowe, Moore, Payne, Powell, St. Clair, Steele, Speed, Thompson, Tyler and Ware—26.

Nays—Messrs. Black, Boyd, Bullock, Clements, Curtis, Doster, Dozier, Duskin, Dustan, Gee, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Haralson, Henry, Hewitt, Hitchcock, Hodo, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, Kennedy, King, Leath, Lewis, Lindsay, Lowe, McCall, McCaskey, McDermott, Miller, Nininger, Perrin, Raisler, Rice, Semmes, Sims, Smith of Greene, Smitherman, Speake, Strauss, Taylor of Lauderdale, Taylor of Winston, Toulman, Weatherford, Wells, White and Williams—52.

The question recurring on the motion of Mr. Lowe—

It was put and lost, not receiving the four-fifths majority required by the rules to suspend the order of business.

Yeas 54, nays 19.

Yeas—Messrs. Appleton, Black, Boyd, Bradford, Bullock, Clements, Crook, Curtis, Diggs, Doster, Dozier, Duskin, Dustan, Gee, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Haralson, Henderson, Hewitt, Hitchcock, Hodo, Howell, Hurt, Johnson of Dallas, Kennedy, Lewis, Lindsay, Lowe, Lumpkin, McCaskey, McDermott, Miller, Murrah, Raisler, Rice, Semmes, Smith of Greene, Smith of Sumter, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Toulmin, Ware, Weatherford, Wells, White and Williams—54.

Nays—Messrs. Speaker, Alley, Benson, Calloway, Carlin, Green, Johnson of Coosa, Knox, Leath, McCall, Marlowe, Moore, Nininger, Payne, Powell, St. Clair, Speed, Thompson and Tyler—17.

#### SPECIAL COMMITTEE.

Mr. Bullock, from the special committee to which was referred the Senate bill—

For the relief of the Selma, Marion and Memphis railroad company, reported favorably thereto, with the following amendment :

1st. Strike out section 5 ;

Which was adopted:

2d. Amend section 6 by striking out the words, " their road is completed," and inserting in lieu thereof the words, " the expiration of ten years from the passage of this act."

Mr. Leath moved to amend the amendment of the committee by striking out " ten" and inserting " five ;"

Which was lost.

The amendment to strike out "ten years" and insert "six years," was accepted by Mr. Bullock ;

And the amendment, thus amended, was adopted.

Mr. Knox moved to amend by inserting after the words " thirty years," in section 1, the following :

" The principal and interest on which bonds shall be paid by the said Selma, Marion and Memphis railroad company, and in case the said railroad company shall fail or refuse to meet the interest on the said bonds as aforesaid, the governor shall seize upon and sell said railroad, as is by law now provided in cases where, under the present law, such default may occur on the part of any railroad company receiving State aid ;"

Which, on motion of Mr. Murrah, was laid on the table.

Mr. Boyd moved to amend by adding at the end of section 1 the following :

And any first mortgage bonds issued in excess of \$16,000 per mile are hereby declared unauthorized, null and void.

Mr. Taylor of Lauderdale moved to amend the amendment by inserting, after the words " per mile," the words " on the road completed."

Pending the consideration of which,

On motion of Mr. Leath—

The further consideration of the bill was indefinitely postponed.

Mr. Leath, from a special committee, reported favorably to the bill—

For the relief of the laborers and track hands of the Alabama and Chattanooga railroad, since its seizure by the State, with an amendment ;

Which was adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

Senate bill—

To authorize and empower the mayor and council of the city of Selma to establish and provide a sinking fund for the payment of the principal and interest of the bonded debt of said city ;

Was read twice, under a suspension of the constitutional rule.

Mr. Johnson of Dallas moved to amend section 3 by striking out the word " five " in the fifth line, and inserting the word " two ;"

Which was lost, and the bill was read a third time, under a suspension of the constitutional rule, and passed.

Senate bill—

To repeal section 51 of an act to establish a new charter for the city of Selma, approved December 4, 1868 ;

Was read three times, under a suspension of the constitutional rule, and passed.

The House concurred in the Senate amendments to the House bill—

To amend sections 4, 6, 9, 12 and 28 of "An act to amend the charter of the city of Montgomery and the various laws heretofore passed amending the said charter," approved March 3, 1870.

On motion of Mr. Duskin, the House bill (amended by the Senate)—

To enforce the collection of taxes from express companies ;

Was made the special order for half-past 11 o'clock tomorrow.

By leave, Mr. Bulger introduced a bill—

To incorporate the Clanton Hook and Ladder company of Dadeville.

## ENROLLED BILLS.

Mr. Powell, from the committee on enrolled bills, reported the following correctly enrolled :

To amend section 3 of an act entitled an act to empower the commissioners court of Chambers county to issue bonds for the purpose of liquidating the present indebtedness of said county.

To authorize Mrs. Jane Hamilton, of Sanford county, to sell certain lands therein mentioned.

To authorize William A. Walker, Jr., administrator of the estate of Richard B. Walker, deceased, to sell the lands of said estate and the dower interest of Mary M. Walker, widow of said decedent, at private or public sale, without an order of court.

To compensate L. F. Elliott, late jailer of Shelby county, for feeding certain prisoners.

To authorize Margaret Wilson, widow of Irvin Wilson, deceased, to sell and convey by deed certain lands therein named.

For the relief of Peter M. Ragsdale and J. C. Coleman, of Marshall county.

To regulate the pay of grand and petit jurors of DeKalb county.

Joint resolution—

To the president of the United States, in behalf of the farming interests of Alabama.

To remove the administration of the estate of James Gordy, deceased, from the probate court of Barbour county into the probate court of Marengo county.

To incorporate the town of Pine Apple, in Wilcox county.

To authorize and empower John Quinn, of Muscogee county, Georgia, to administer upon the estate of James Torrey, in Russell county, Alabama.

To allow G. W. S. Hunter, a blind man, of Randolph county, to show certain things, therein named, free of State and county license.

To authorize Eliza M. Buchanan, administrator of the estate of Howell R. Buchanan, deceased, to sell the lands of said estate at private sale.

To prohibit the sale of vinous or spirituous liquors within two miles of Town Creek church, Dallas county.

To repeal an act entitled an act to incorporate the Central

Southern Mechanical and literary institute, approved January 30, 1852.

For the relief of the Pleasant Ridge female institute, in Greene county.

To raise revenue for the State.

To prevent camp hunting in the county of Marion.

To fix the distance for which mileage shall be allowed for Geneva county.

To prescribe the time when the criminal dockets shall be taken up in the counties of Walker, Fayette, Marion, Sanford and Winston.

To change the line between Lee and Chambers county, so as to include the southwest quarter of section eight, township twenty, range five, in Lee county.

To amend section 2721 of the Revised Code.

To prohibit the sale of vinous or spirituous liquors within one mile and a half of the male and female academy at Sandy Ridge, Lowndes county.

To relieve the tax collector of Washington county, Alabama.

To authorize the governor to issue a patent conveying section sixteen, in township sixteen, range seven, west, to Wm. H. Snow, upon certain conditions therein expressed.

To amend section 117 of an act entitled an act to establish revenue laws for the State of Alabama, approved December 21, 1668, so far as the same relates to the county of Henry.

To repeal an act entitled an act fixing the compensation of the treasurer of Clarke county, approved February 14, 1870.

To authorize Warner Bailey, of Choctaw county, to erect gates across the public highway.

For the relief of Thomas J. Kinnard, of Hale county.

To amend section one of an act entitled an act to authorize the Georgia Western railroad company to extend and construct their road from the Georgia line to the town of Gadsden, on the Coosa river, approved December 31, 1868.

To provide an additional term of the chancery court for the first district in the middle division, composed of the county of Coosa.

To exempt all transcripts and other papers used in making out claims for pensions and county claims, &c., from stamp tax on State and county seals.

To relieve James E. Knott, guardian of Elmira E. Knott and William M. Knott, minors, of Sumter county, from mak-

ing annual settlements of his guardianship in the probate court for three years.

For the relief of Mrs. Hannah T. Newman, of DeKalb county.

To prevent the obstruction of the free passage of fish into and out of the waters of Flint Creek, Morgan county.

To establish the fees of the county treasurer of Washington county.

On motion of Mr. Alley—

The House adjourned until to-morrow morning 10 o'clock.

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## SIXTY-FIFTH DAY.

FRIDAY, February 23, 1872.

House met pursuant to adjournment.

Prayer by Rev. Mr. White.

The journal of yesterday was read and approved.

On motion of Mr. Haralson—

The vote on the passage of the Senate bill—

To repeal section 51 of an act to establish a new charter for the city of Selma, approved December 4, 1868 ;

Was reconsidered.

Mr. Taylor of Lauderdale moved to reconsider the vote on the passage of the bill—

For the relief of laborers and track hands of the Alabama & Chattanooga railroad since its seizure by the State.

Mr. Lowe moved to lay the motion to reconsider on the table ;

Which carried.

Mr. Cochran moved to reconsider the vote on the passage of the Senate bill—

To authorize and empower the mayor and city council of the city of Selma to establish and provide a sinking fund for the payment of the principal and interest of the bonded debt of said city.

Mr. Lowe moved to lay the motion to reconsider on the table ;

Which was carried.

The hour of half-past ten o'clock having arrived, the House proceeded to consider the

## SPECIAL ORDER.

It being the bill—

To provide for the reduction of the liabilities of the State by the substitution of State bonds to the amount of \$4,000 per mile, in lieu of the State indorsement heretofore authorized of the bonds of various railroad companies entitled thereto ;

The question pending being on the reconsideration of the vote by which the substitute of Mr. Bullock was lost.

Pending consideration of which—

The hour of half past 11 o'clock having arrived, the House proceeded to consider the Senate amendment to the House bill—

To enforce the collection of taxes from Express companies ;

The question being on concurring in the amendment, by way of substitute, of the Senate.

Mr. Bradford moved to strike out, in sections one and two, the words " three thousand, seven hundred and fifty," and insert the words " fifteen thousand."

Also, strike out, in section three, the words " twelve hundred and fifty," and insert the words "five thousand."

Mr. Rice moved to lay the amendment on the table ;

Which was lost ;

Yeas 36, nays 42.

Yeas—Messrs. Appleton, Bullock, Calloway, Cochran, Coleman, Craig, Crook, Diggs, Doster, Dozier, Duskin, Dustan, Gaskin, Graham, Hodo, Howell, King, Knox, Lewis, McDermott, Nininger, Oates, Powell, Rice, Smith of Greene, Smith of Sumter, Smitherman, Speake, Steele, Speed, Strauss, Taylor of Winston, Toulmin, Tyler, Ware, and Wells—36.

Nays—Messrs. Speaker, Ashurst, Benson, Black, Bradford, Bulger, Carlin, Cochran, Cowan, Davis, Drake, Etheridge, Gee, Gilchrist, Grayson of Clarke, Gunn, Hamilton, Haralson, Henderson, Henry, Hewitt, Holmes of Baldwin, Holmes of Sumter, Hurt, Johnson of Coosa, Johnson of Dallas, Hurt, Lindsay, Lumpkin, McCall, McCaskey, Miller, Murrah, Payne, Perrin, Raisler, Semmes, Sims, St. Clair, Taylor of Lauderdale, Thompson and White—42.

And the amendment was lost. .

Mr. Semmes moved to amend sections one and two by striking out "\$3,750 00," and inserting "\$9,000 00," and strike out, in section three, "\$1,250 00." and insert "\$3,000 00."

Mr. Knox moved to lay the amendment on the table ;

Which was carried.

Yeas 41, nays 37.

Yeas—Messrs. Alley, Bullock, Calloway, Clark, Cochran, Coleman, Craig, Crook, Curtis, Diggs, Doster, Dozier, Duskin, Dustan, Etheridge, Gaskin, Gee, Haralson, Hodo, Holmes of Baldwin, King, Knox, Lewis, Lowe, Lumpkin, McDermott, Miller, Oates, Powell, Rice, Smith of Sumter, Smitherman, St. Clair, Steele, Speed, Strauss, Taylor of Winston, Toulmin, Ware, Wells and Williams—41.

Nays—Messrs. Speaker, Appleton, Ashurst, Benson, Boyd, Bradford, Bulger, Carlin, Cowan, Davis, Drake, Gilchrist, Grayson of Madison, Gunn, Hamilton, Henderson, Henry, Hewitt, Hitchcock, Howell, Hurt, Johnson of Dallas, Leath, Lindsay, McCall, McCaskey, Murrah, Nininger, Payne, Perrin, Raisler, Semmes, Sims, Smith of Greene, Speake, Weatherford, and White—37.

Mr. Henry moved to amend by striking out \$3,750 00 in sections 1 and 2, and inserting \$6,000 00, and strike out \$1,250 00 in section 3, and insert \$2,000 00.

Mr. Bullock moved to lay the motion to amend on the table ; Which was lost.

Yeas 33, nays 44.

Messrs. Bullock, Calloway, Clark, Cochran, Coleman, Craig, Cook, Curtis, Diggs, Doster, Dozier, Duskin, Dustan, Etheridge, Gaskin, Gee, Graham, Haralson, Hodo, Homes of Baldwin, Johnson of Dallas, Knox, Oates, Powell, Smith of Greene, Smith of Sumter, Smitherman, Steele, Speed, Toulmin, Tyler, Wells and Williams—33.

Nays—Messrs. Speaker, Alley, Appleton, Ashurst, Benson, Black, Bradford, Bulger, Davis, Drake, Gilchrist, Grayson of Madison, Gunn, Hamilton, Henderson, Henry, Hitchcock, Hurt, Johnson of Coosa, Leath, Lewis, Lindsay, Lowe, Lumpkin, McCall, McDermott, McCaskey, Miller, Nininger, Payne, Perrin, Raisler, Rice, Semmes, Sims, Speake, Strauss, Taylor of Lauderdale, Taylor of Winston, Thompson, Ware, Weatherford and White—44.

The amendment was adopted.

Yeas 46, nays 33.

Yeas—Messrs. Speaker, Alley, Appleton, Ashurst, Benson, Black, Boyd, Bradford, Carlin, Davis, Drake, Gilchrist, Grayson of Madison, Gunn, Hamilton, Henderson, Henry, Hitchcock, Holmes of Baldwin, Hurt, Johnson of Coosa, Johnson of Dallas, Leath, Lewis, Lindsay, Lumpkin, McCall, McCaskey, Miller, Nininger, Oates, Payne, Perrin, Powell, Raisler, Semmes, Sims, Speake, Strauss, Taylor of Lauderdale, Thompson, Toulmin, Ware, Weatherford and White—46.



Nays—Messrs. Bullock, Calloway, Clarke, Cochrane, Coleman, Craig, Curtis, Diggs, Doster, Dozier, Duskin, Dustan, Etheridge, Gaskin, Gee, Graham, Haralson, Hodo, King, Knox, Lowe, McDermott, Rice, Smith of Greene, Smith of Sumter, Smitherman, St. Clair, Steele, Speed, Taylor of Winston, Tyler, Wells and Williams—33.

Mr. Hewitt moved to strike out section 7, and insert the following :

That each county in which said company does any business, may levy a tax upon the gross receipts of the business done in such county by said company, not exceeding one per cent. thereof ;

Which was lost.

And the Senate amendment, as amended, was concurred in.

By leave, Mr. Oates offered the following resolution :

Resolved by the House, (the Senate concurring), That the two Houses of the General Assembly adjourn sine die tomorrow, the 24th inst., at 12 o'clock, m. ;

Which was adopted.

Yeas 65. nays 12.

Yeas—Messrs. Speaker, Appleton, Ashurst, Benson, Black, Boyd, Bradford, Bulger, Bullock, Calloway, Carlin, Cochrane, Cowan, Crook, Curtis, Davis, Doster, Dozier, Drake, Duskin, Ellison, Etheridge, Gaskin, Gee, Gilchrist, Grayson of Clarke, Grayson of Madison, Hamilton, Haralson, Henderson, Henry, Hewitt, Hodo, Holmes of Baldwin, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, King, Leath, Lewis, Lindsay, Lumpkin, McDermott, Miller, Nininger, Oates, Payne, Powell, Raisler, Sims, Smith of Greene, Smith of Sumter, Smitherman, St. Clair, Steele, Strauss, Taylor of Lauderdale, Taylor of Winston, Tyler, Ware, Weatherford Wells and White—65.

Nays—Messrs. Clarke, Coleman, Diggs, Dustan, Graham, Gunn, Hitchcock, McCall, McCaskey, Moore, Perrin and Thompson—12.

Mr. Doster, from the joint select committee of the House and Senate, to which was referred the subject of the condition of the penitentiary, reported a bill—

To be entitled an act to amend sections 3833, 3834, 3836, 3837, 3839, 3853, 3855 and 3856 of article 111, part 4, title 2, chapter 5 of the Revised Code ;

Which was read three times, under a suspension of the constitutional rule, and passed.

On motion of Mr. Thompson, the bill, (in the hands of the judiciary committee)—

To inflict penalties upon common carriers and their agents for violation of the laws in making unjust and illegal distinction based on color, race and previous condition, was made the special order for this afternoon 4:30 o'clock.

On motion of Mr. Boyd, the order to business was suspended to consider the bill—

Supplementary to an act to relieve and regulate the finances of the State.

The question being on the passage of the bill, and the bill was passed.

Yeas 71, nays 10.

Yeas—Messrs. Speaker, Alley, Appleton, Ashurst, Boyd, Bullock, Calloway, Carlin, Clarke, Coleman, Cowan, Craig, Curtis, Davis, Diggs, Doster, Dozier, Duskin, Ellison, Etheridge, Gaskin, Gee, Gilchrist, Graham, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Haralson, Henderson, Henry, Hewitt, Hitchcock, Holmes of Baldwin, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Johnson of Dallas, Ring, Knox, Lindsay, Lowe, Lumpkin, McCall, McCaskey, McDermott, Miller, Nininger, Payne, Perrin, Powell, Rice, Semmes, Sims, Smith of Greene, Smith of Sumter, Speake, Steele, Speed, Strauss, Taylor of Lauderdale, Taylor of Winston, Thompson, Toulmin, Tyler, Ware, Weatherford Wells and Williams—71.

Nays—Messrs. Black, Bradford, Bulger, Kennedy, Leath, Lewis, Murrah, Raisler, Smitherman and White—10.

Message from the Senate, by Mr. Whiting ;

SENATE CHAMBER,  
February 23, 1872. }

Mr. Speaker :

The Senate has passed House bill:

To establish an agricultural and mechanical college at Auburn, in Lee county.

M. P. BLUE,  
Secretary.

The House resumed the consideration of the bill—

To provide for the reduction of the liabilities of the State, by the substitution of State bonds to the amount of \$4,000 per mile in lieu of the State endorsement, &c.

On motion of Mr. Bullock—

Its further consideration was postponed, and made the special order for 4 o'clock this afternoon.

By leave, Mr. Bulger introduced bill—

In relation to the agricultural and mechanical college of Alabama ;

Which was read twice, under a suspension to the constitutional rule.

Mr. Thompson moved to amend by proviso, as follows :

Provided, that no applicant for admission to said college shall be excluded on account of race, color or previous condition.

Pending the consideration of which—

The House adjourned until this afternoon 4 o'clock.

#### AFTERNOON SESSION.

Message from the Senate, by Mr. Whiting ;

SENATE CHAMBER,  
February 23, 1872.}

Mr. Speaker :

The Senate has amended as therein shown, and passed, the House bill—

To establish revenue laws for the State of Alabama.

M. P. BLUE,  
Secretary.

Mr. Bullock moved to suspend the consideration of the special order for the hour of 4 o'clock, for the purpose to considering the bill—

To establish revenue laws for the State of Alabama.

Mr. White moved to suspend the consideration of the special order to consider the bill—

In relation to the agricultural and mechanical college ;  
Which was lost.

#### SPECIAL ORDER.

The House proceeded to the consideration of the special order for the hour of 4 o'clock, it being the bill—

To provide for a reduction of the liabilities of the State by the substitution of State bonds to the amount of \$4,000 per mile, in lieu of the State endorsement, & c.

The question being on reconsidering the vote on the adoption of the substitute offered by Mr. Bullock ;

Which was put and lost.

Yeas 35, nays 36.

Yeas—Messrs. Black, Boyd, Bullock, Clarke, Coleman, Curtis, Diggs, Doster, Dozier, Duskin, Dustan, Gaskin, Gee, Graham, Grayson of Clarke, Grayson of Madison, Haralson, Henderson, Hewitt, Hitchcock, Howell, Johnson of Dallas, King, Lowe, McCaskey, Miller, Murrah, Nininger, Rice, Smith of Greene, Strauss, Thompson, Toulmin, Tyler and Wells—35.

Nays—Messrs. Speaker, Alley, Appleton, Benson, Bradford, Bulger, Calloway, Carlin, Cowan, Craig, Crook, Davis, Etheridge, Gilchrist, Gunn, Hamilton, Henry, Hodo, Hurt, Johnson of Coosa, Kennedy, Knox, Lewis, Lumpkin, McCall, Moore, Powell, Raisler, Sims, Smith of Sumter, Smitherman; Speake, Steele, Speed, Taylor of Lauderdale, Ware and White—36.

Mr. Boyd moved the indefinite postponement of the bill ;

Which was put and carried.

Yeas 48, nays 23.

Yeas—Messrs. Speaker, Alley, Appleton, Benson, Boyd, Bradford, Bulger, Calloway, Carlin, Crook, Cowan, Davis, Doster, Etheridge, Gilchrist, Grayson of Clarke, Gunn, Hamilton, Henry, Hewitt, Hodo, Howell, Hurt, Johnson of Coosa, Kennedy, Knox, Leath, Lewis, Lindsay, Lumpkin, McCall, McCaskey, Moore, Nininger, Payne; Powell, Raisler, Sims, Smith of Sumter, Smitherman, Speake, Steele, Strauss, Taylor of Lauderdale, Toulmin, Ware and White—48.

Nays—Messrs. Black, Bullock, Clark, Craig, Curtis, Diggs, Dozier, Duskin, Dustan, Gaskin, Gee, Graham, Grayson of Madison, Haralson, Hitchcock, Johnson of Dallas, Lowe, Miller Rice, Smith of Greene, Thompson, Tyler and Wells—23.

Mr. McCall moved to reconsider the vote just taken, on the indefinite postponement of the bill.

Mr. Powell moved to lay the motion to reconsider on the table;

Which was put and carried.

#### SPECIAL ORDER.

The hour of 4:30 o'clock having arrived, the House proceeded to consider the special order for that hour, it being the bill—

To inflict penalties upon common carriers and their agents for violation of laws in making unjust and illegal distinction based on color, race and previous condition ;

In the hands of the committee on the judiciary ; whereupon

Mr. Toulmin, from the committee on the judiciary, reported favorably to the said bill, with an amendment by way of substitute.

Mr. Boyd moved to lay the bill on the table ;

Which was lost.

Yeas 27, nays 46.

Yeas—Messrs. Speaker, Ashurst, Benson, Boyd, Bradford, Bulger, Bullock, Coleman, Cowan, Davis, Etheridge, Gilchrist, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Hewitt, Hodo, Holmes of Baldwin, Holmes of Sumter, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lindsay, Lumpkin, Miller, Murrah, Raisler, Sims, Smith of Greene, Smith of Sumter, Smitherman, Speake, Ware and White—37.

Nays—Messrs. Alley, Appleton, Black, Calloway, Carlin, Clarke, Cochran, Craig, Curtis, Diggs, Doster, Dozier, Duskin, Dustan, Gaskin, Gee, Graham, Haralson, Henderson, Henry, Hitchcock, Howell, Johnson of Dallas, King, Knox, Lowe, McCall, McCaskey, Moore, Nininger, Payne, Perrin, Powell, Rice, St. Clair, Steele, Speed, Strauss, Taylor of Lauderdale, Taylor of Winston, Thompson, Toulmin, Tyler, Weatherford, Wells and Williams—46.

Mr. Powell moved to amend section 1, by adding :

"Provided, That said railroad companies shall procure and keep separate coaches of equal accommodations for each race, And provided further, That this act shall not take effect until ninety days after its passage" ;

To come in at the end of the last section.

Mr. Gilchrist moved to recommit the bill to the committee on the judiciary ;

Which was laid on the table.

Mr. Bullock moved to adjourn until 4 o'clock this afternoon ;

Which was lost.

Mr. Boyd moved to lay the amendment of Mr. Powell on the table.

Mr. Bulger moved to postpone the further consideration of the bill until 10 o'clock to-morrow morning.

Mr. Leath moved to amend the motion by striking out 10 o'clock to-morrow morning and inserting 4 o'clock to-morrow afternoon ;

Which was lost.

Yeas 13, nays 62.

Yeas—Messrs. Ashurst, Boyd, Bradford, Cowan, Gilchrist, Gunn, Hitchcock, Hodo, Holmes of Sumter, Hurt, Kennedy, Leath and Raisler—13.

Nays—Messrs. Speaker, Alley, Appleton, Benson, Black,

Bulger, Bullock, Calloway, Carlin, Clark, Craig, Curtis, Davis Diggs, Doster, Dozier, Duskin, Dustan, Etheridge, Gaskin Gee, Graham, Hamilton, Haralson, Henderson, Henry, Holmes of Baldwin, Howell, Johnson of Coosa, Johnson of Dallas, King, Knox, Lindsay, Lowe, Lumpkin, McCall, Miller, Moore, Murrah, Nininger, Perrin, Powell, Rice, Sims, Smith of Greene, Smith of Sumter Smitherman, Speake, St. Clair, Steele, Speed, Taylor of Lauderdale, Taylor of Winston, Thompson, Toulmin, Tyler, Ware, Weatherford, Wells, White and Williams-62.

The question recurring on Mr. Bulger's motion to postpone until 10 o'clock to-morrow morning, it was put and carried.

Yeas 62, nays 11.

Yeas—Messrs. Speaker, Appleton, Alley, Benson, Black, Bradford, Bulger, Bullock, Calloway, Carlin, Clark, Cochran, Curtis, Davis, Diggs, Doster, Dozier, Duskin, Dustan, Etheridge, Gaskin, Gee, Graham, Haralson, Henry, Henderson, Hodo, Holmes of Baldwin, Howell, Johnson of Coosa, Johnson of Dallas, King, Knox, Lewis, Lindsay, Lowe, Lumpkin, McCall, McCaskey, Miller, Moore, Murrah, Nininger, Perrin, Powell, Sims, Smith of Greene, Smith of Sumter, Speake, St. Clair, Steele, Speed, Taylor of Lauderdale, Taylor of Winston, Thompson, Toulmin, Tyler, Ware, Weatherford, Wells, White and Williams—62.

Nays—Messrs. Ashurst, Boyd, Cowan, Grayson of Madison, Gunn, Holmes of Sumter, Hurt, Kennedy, Leath, Payne and Raisler—11.

On motion of Mr. Bulger the House proceeded to the consideration of the bill—

In relation to the agricultural and mechanical college of Alabama.

The question pending being on the amendment of Mr. Thompson;

Mr. Thompson, by leave, withdrew his amendment and offered the following in lieu thereof :

"Provided, That the money to be expended under the direction of the said board of trustees of said college to be divided between the white and colored race in the State equally ;

Which was lost.

Mr. Thompson moved to amend as follows :

"Provided, That said board of trustees shall not draw from the said funds more than their pro-rata share of said funds, and the balance of said funds be retained by the treasurer subject to the order of a board of colored trustees to be appointed by the governor.

Mr. Boyd moved to lay the amendment on the table ;

Which was put and lost.

Yeas 23, nays 32.

Yeas—Messrs. Speaker, Ashurst, Benson, Boyd, Bradford, Bulger, Bullock, Clark, Cowan, Henry, Hodo, Howell, Johnson of Coosa, Kennedy, Lewis, Lumpkin, McCall, Murrah, Payne, Raisler, Sims, Ware and White—23.

Nays—Messrs. Alley, Black, Calloway, Carlin, Cochran, Craig, Davis, Doster, Dozier, Duskin, Gaskin, Gee, Grayson of Madison, Gunn, Haralson, Henderson, Hurt, Johnson of Dallas, King, Knox, Leath, Lowe, Miller, Moore, Nininger, St. Clair, Speed, Thompson, Tyler, Weatherford, Wells and Williams—32.

Mr. Haralson moved the previous question;

And the question being, "Shall the main question be now put ?" it was put and carried.

The main question being on ordering the bill to a third reading on to-morrow—it was put and carried.

By leave, Mr. Doster offered joint resolution to pay certain witnesses therein named ;

Which was read three times, under a suspension of the constitutional rule, and adopted.

On motion of Mr. Gunn—

House adjourned until to-morrow morning 10 o'clock.

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#### SIXTY-SIXTH DAY.

SATURDAY, February 24, 1872.

House met pursuant to adjournment.

Prayer by Rev. Mr. Wadsworth.

Journal of yesterday was read and approved.

Messages from the Senate by Mr. Whiting :

SENATE CHAMBER,

Montgomery, February 24. }

Mr. Speaker :

The Senate has passed the following House bill—

To amend an act to vest in the Tennessee & Alabama Central Railroad Company certain lands granted by congress in trust to the State of Alabama, to aid in the construction of the Tennessee & Alabama Central Railroad.

And has originated and passed bills as follows :

Supplementary to an act entitled an act to relieve and regulate the finances of the State.

And passed and ordered to the House, without engrossing a bill—

To aid in the construction of the Columbus, Fayette and Decatur Railroad.

M. P. BLUE,  
Secretary.

SENATE CHAMBER,  
February 24, 1872. }

Mr. Speaker

The Senate has passed House bill as follows:

To amend certain sections of the Revised Code, viz : 3833, 3834, 3836, 3837, 3853, 3855, 3856, article 2, chapter 5, title 2, part 4.

M. P. BLUE,  
Secretary.

SENATE CHAMBER,  
February 24, 1872. }

Mr. Speaker :

The Senate has passed House bill—

To authorize the sale of the swamp and overflowed lands to the Mobile & Northwestern Railroad Company on the terms therein stated.

M. P. BLUE,  
Secretary.

SENATE CHAMBER,  
February 24, 1872. }

Mr. Speaker :

The Senate has amended, as therein shown, and passed House bill as follows :

To regulate elections in the State of Alabama.

M. P. BLUE,  
Secretary.



SENATE CHAMBER,  
February 24, 1872. }  
Mr. Speaker :

The Senate has originated and passed the following bill:  
For the relief of A. J. Green of Coffee county.  
M. P. BLUE,  
Secretary.

SENATE CHAMBER,  
February 24, 1872. }  
Mr. Speaker :

The Senate has originated and passed the following bills:  
For the relief of Robert Townsend Dade, Charles Townsend  
Dade, Henry Mitchell Dade, minor children of Robert T.  
Dade, late of Mobile county, deceased.  
Supplementary to act entitled an act to encourage invest-  
ments of money within this State by life insurance companies  
of other or foreign States, approved December 19, 1871.  
M. P. BLUE,  
Secretary of Senate.

#### ENROLLED BILLS.

Mr. Powell, from the committee on enrolled bills, reported  
the following as correctly enrolled :  
To authorize the sale of the swamp and overflowed lands to  
the Mobile and Northwestern railroad company on the terms  
therein stated,  
To amend an act to vest in the Tennessee and Alabama  
Central railroad company certain lands granted by congress  
in trust to the State of Alabama, to aid in the construction of  
the Tennessee and Alabama Central railroad.

The Senate bill—  
To establish a criminal court in the county of Russell, with  
criminal and civil jurisdiction ;  
Was read three times, under a suspension of the constitu-  
tional rule, and passed.  
The bill—  
In relation to the agricultural and mechanical college of  
Alabama;  
Was read a third time, and passed.

## SPECIAL ORDER.

The House proceeded to the consideration of the special order for the hour of 10 o'clock, it being the bill—

To inflict penalties upon common carriers for violation of laws in making unjust and illegal distinction based on color, race, or previous condition.

The question pending being on laying on the table the amendments of Mr. Powell ;

Which was put, and lost.

Yeas 5, nays 58.

Yeas—Messrs. Boyd, Hodo, Leath, Raisler and Taylor of Lauderdale—5.

Nays—Messrs. Speaker, Alley, Benson, Black, Bradford, Bulger, Bullock, Clark, Cowan, Craig, Curtis, Davis, Diggs, Doster, Dozier, Duskin, Dustan, Etheridge, Gaskin, Gee, Graham, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Henderson, Haralson, Henry, Hitchcock, Holmes of Baldwin, Holmes to Sumter, Hurt, Johnson of Coosa, Johnson of Dallas, King, Knox, Lowe, Lumpkin, McCall, Miller, Murrah, Nininger, Payne, Perrin, Powell, Sims, Smith of Greene, St. Clair, Steele, Speed, Taylor of Winston, Thompson, Toulmin, Tyler, Ware, Wells and White—58.

Mr. Lowe moved to amend the first amendment of Mr. Powell by striking out, and inserting as follows :

" That separate apartments shall be provided for the two classes of our population by the owners and managers of all public conveyances in this State ;"

Which was adopted.

Mr. Boyd moved the previous question ;

Which was put, and lost.

Mr. Boyd moved to postpone the further consideration of the bill until 4 o'clock this afternoon;

Which was lost.

Mr. Strauss moved to amend as follows :

Be it further enacted, That the provisions of this act shall not apply to steamboats or other craft plying on the waters of this State.

Mr. Leath moved to amend the amendment of Mr. Strauss by adding as follows :

That any railroad company which has received State aid, and violates the provisions to this act, shall forfeit their right to further indorsement as now provided by law.

Mr. Leath moved the indefinite postponement of the bills ;

Which was lost.

Yeas 22, nays 50.

Yeas—Messrs. Ashurst, Benson, Boyd, Bradford, Bulger, Cowan, Crook, Gilchrist, Grayson of Madison, Hewitt, Hodo, Holmes of Sumter, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lumpkin, Raisler, Sims and Smitherman—22.

Nays—Messrs. Speaker, Alley, Black, Bullock, Calloway, Clark, Craig, Curtis, Davis, Diggs, Doster, Dozier, Duskin, Dustan, Etheridge, Gaskin, Gee, Graham, Grayson to Clarke, Hamilton, Haralson, Henderson, Henry, Johnson of Dallas, Knox, Lindsay, Lowe, McCall, McCaskey, Miller, Murrah, Nininger, Perrin, Powell, Smith of Greene, Speake, St. Clair, Steele, Speed, Strauss, Taylor of Lauderdale, Taylor of Winston, Thompson, Toulmin, Tyler, Ware, Weatherford, Wells, White and Williams—50.

Mr. Leath moved to refer the bill to a special committee of five, with instructions to report at 4:30 o'clock this afternoon ;

Which was lost.

Mr. Boyd moved to lay the amendment of Mr. Strauss, and the amendment to the amendment, on the table ;

Which was carried.

Mr. Taylor of Lauderdale moved to amend as follows:

That the true intent and meaning of this act is hereby declared to be, that charges for carrying persons on railroads shall be in proportion to the class of transportation furnished, and that each railroad shall furnish the colored race with separate coaches or apartments from those used by the white race, and shall protect either race from intrusion or insult on the part of the other ; and this act applies to railroads only.

Mr. White moved to amend the amendment of Mr. Taylor by substitute, as follows :

Strike out the words " common carriers," and insert "railroad companies."

The amendment and the amendment to the amendment were laid on the table.

Mr. Hewitt moved to amend by substitute ;

Which, on motion of Mr. Dustan—

Was laid on the table ;

Yeas 45, nays 25.

Yeas—Messrs. Alley, Black, Calloway, Carlin, Clark, Cochran, Craig, Curtis, Davis, Diggs, Doster, Dozier, Duskin, Dustan, Gaskin, Gee, Graham, Grayson of Madison, Green, Gunn, Hamilton, Henderson, Henry, Hitchcock, Hurt, John-

son of Dallas, King, Knox, Lowe, Lumpkin, McCall, McCaskey, McDermott, Marlowe, Miller, Moore, Nininger, Perrin, St. Clair, Steele, Speed, Taylor of Winston, Thompson, Toulmin, Tyler, Weatherford, Wells and Williams—45.

Nays—Messrs. Speaker, Ashurst, Boyd, Bulger, Bullock, Cowan, Crook, Gilchrist, Grayson of Clarke, Haralson, Hewitt, Hodo, Howell, Johnson of Coosa, Leath, Lewis, Murrah, Payne, Raisler, Sims, Smith of Greene, Smitherman, Strauss, Taylor of Lauderdale, and White—25.

Mr. White moved to amend the substitute of the committee by striking out the words " common carriers " and inserting railroad companies.

Mr. Leath moved to lay the amendment on the table ;

Which was lost.

Mr. Leath moved the indefinite postponement of the bill ;

Which was lost.

Yeas 31, nays 43.

Yeas—Messrs. Speaker, Ashurst, Boyd, Bulger, Bullock, Cowan, Crook, Ellison, Gilchrist, Grayson of Clarke, Hewitt, Hitchcock, Hodo, Holmes of Sumter, Hurt, Johnson of Coosa, Kennedy, Leath, Lewis, Lumpkin, Murrah, Payne, Raisler, Sims, Smith of Greene, Smitherman, Taylor of Lauderdale, Toulmin, Ware, Weatherford and White—31.

Nays—Messrs. Alley, Black, Carlin, Clark, Cochran, Coleman, Craig, Curtis, Davis, Diggs, Dozier, Duskin, Dustan, Etheridge, Gaskin, Gee, Graham, Grayson of Madison, Green, Gunn, Hamilton, Haralson, Henderson, Howell, Johnson of Dallas, King, Knox, Lindsay, McCall, Marlowe, Miller, Nininger, Perrin, Powell, Semmes, Speake, St. Clair, Speed, Taylor of Winston, Thompson, Tyler and Wells—43.

Mr. Speaker (Mr. Bulger in the chair) moved that the House adjourn until Monday morning 10 o'clock ;

Which was lost.

The amendment of Mr. White was adopted, and the substitute reported by the committee was adopted ;

And the bill was ordered to a third reading.

On motion of Mr. Lewis—

The House adjourned until this afternoon at 4 o'clock.,

#### AFTERNOON SESSION.

The House met pursuant to adjournment

## IMMIGRATION AND INDUSTRIAL RESOURCES.

The committee on immigration and industrial resources, by leave, reported favorably to the Senate bill—

To invite and procure immigration to the State of Alabama ;

Which was read a third time, under a suspension of the constitutional rule, and passed.

The House proceeded to the consideration of the Senate bill—

For the relief of the teachers of Coffee county for the period from the 1st of January to the 1st of July, 1868 ;

Which was read twice, under a suspension of the constitutional rule.

Mr. Cowan moved to lay the bill on the table ;

Which was lost.

Yeas 27, nays 31.

Yeas—Messrs. Bullock, Cowan, Crook, Gaskin, Grayson of Madison, Gunn, Hamilton, Hewitt, Hodo, Howell, Hurt, Johnson of Coosa, Kennedy, Leath, Lumpkin, Miller, Moore, Payne, Sims, Smith of Greene, Speake, Steele, Taylor of Lauderdale, Taylor of Winston, Toulmin, Ware and Weatherford—27.

Nays—Messrs. Speaker, Appleton, Black, Calloway, Carlin, Clark, Cochran, Craig, Curtis, Davis, Dozier, Duskin, Dustan, Gilchrist, Grayson of Clarke, Haralson, Henderson, Henry, Johnson of Dallas, King, Knox, Lindsay, Marlowe, Moore, Nininger, Perrin, Powell, Thompson, Tyler, Wells and Williams—31.

The Senate bill—

In relation to the payment of the interest on the bonds of the Alabama & Chattanooga railroad company ;

Was laid on the table.

The Senate bill—

To protect the State in its liability on account of railroads, Was read twice, under a suspension of the constitutional rule, and referred to a select committee of three, as follows :

Messrs. Bulger, Duskin and Crook.

The Senate bills—

For the relief of the Alabama Central railroad.

To confer additional powers on the corporate authorities of the city of Birmingham.

To authorize and require the commissioners court of Montgomery county to establish a public pound in township 14, range 20, and south half of township 15, range 20, in Montgomery county.

For the relief of Samuel P. Rowell, of Marengo county, and Henry F. Shelby, of Lowndes county.

Were severally read a first time, and ordered to a second reading.

The Senate bills—

To authorize Moody H. May, administrator of the estate of Robert Carlisle, deceased, to sell certain real estate belonging to said estate, situated in the county of Baker.

To pay J. B. Johns for work done in repairing furniture for both houses of the general assembly.

To authorize Samuel H. Hardwick, of Montgomery county, to sign certain conveyances.

To amend submission 7 of section 112 of the revenue law.

To authorize John Austin, of Morgan county, to sell at private sale the interest of Mary Austin and Jane Edwards, in the estate of Isaac Edwards, deceased.

To require notaries public in the counties of Clay and Coosa to try all civil cases brought before them in the beat or precinct in which the defendant, or one of the several defendants, reside.

For the relief of Mrs. M. Louise Thornton, of Colbert county.

For the relief of A. J. Greene, of Coffee county.

Were severally read three times, under a suspension of the constitutional rule, and passed.

The Senate joint resolution—

Requiring the secretary of State to distribute Smith's Condensed Reports,

Was read three times, under a suspension of the constitutional rule, and adopted.

The Senate bills—

To repeal an act of the board of education therein name.

To repeal an act of the board of education therein named.

Were severally read twice, under a suspension of the constitutional rule, and laid on the table.

#### REPORT OF SPECIAL COMMITTEE.

Mr. Bulger, from the special committee to which was referred the Senate bill—

To protect the State in its liabilities on account of railroads, Reported favorably thereto.

And the bill was read a third time, under a suspension of the constitutional rule, and passed.

The Senate bill—

To aid in the construction of the Columbus, Fayette & Decatur railroad,

Was read three times, under a suspension of the constitutional rule, and passed.

#### REPORT FROM A SPECIAL COMMITTEE.

Mr. Lowe, from a special committee, reported favorably to the Senate bills—

To encourage the publication of a new edition of Professor Tuomey's first report on the geology of Alabama;

With an amendment by additional section as section 3;

Which was adopted.

And the constitutional rule was suspended, and the bill read a third-time ;

And the question being on the passage of the bill, was put, and the vote was—

Yeas 35, nays 27.

Yeas—Messrs. Ashurst, Black, Bulger, Calloway, Clark, Diggs, Duskin, Dustan, Etheridge, Gee, Grayson of Madison, Haralson, Henderson, Johnson of Coosa, Johnson of Dallas, King, Knox, Lowe, McCaskey, Miller, Moore, Murrah, Nininger, Perrin, Powell, Raisler, Speake, St. Clair, Steele, Strauss, Thompson, White and Williams—35.

Nays—Messrs. Speaker, Appleton, Boyd, Bullock, Cowan, Crook, Davis, Dozier, Gilchrist, Graham, Grayson of Clarke, Gunn, Hamilton, Henry, Hitchcock, Hewitt, Hodo, Howell, Hurt, Leath, Lewis, Lumpkin, Payne, Sims, Smith of Greene, Taylor of Lauderdale and Ware—27.

Mr. Lewis moved to reconsider the vote just taken ;

Which was carried.

Mr. Bulger moved to reconsider the vote ordering the bill to a third reading ;

Which was carried.

Mr. Lowe moved to amend by striking out the words "each member and officer of the present general assembly ;"

Which was adopted.

And on motion of Mr. Powell—

The further consideration of the bill was postponed, and made the special order for Monday next at 12 o'clock.

The House concurred in the amendments to the Senate to the House bill—

To regulate elections in the State of Alabama.

Message from the Governor, by Mr. Chardavoyne :

Mr. Speaker :

I am directed by the Governor to inform you that he has approved the following acts originating in the House of Representatives, viz :

To incorporate the town of Gilmore, in Lawrence county.

To define the corporate limits of the town of Livingston, in Sumter county.

To pay fees in certain cases to the solicitor of Dallas county, out of the general fund to said county.

For the relief of Peter M. Ragsdale and J. C. Coleman, of Marshall county.

To fix the time for the trial of criminal cases in the circuit court of Barbour county.

To authorize John C. Morrow, probate judge of Jefferson county, to take jurisdiction over the estate of Richard B. Walker, deceased, late of said county.

To amend section 3 of an act entitled an act to empower the commissioners court of Chambers county to issue bonds for the purpose of liquidating the present indebtedness of said county.

To authorize William A. Walker, Jr., administrator of the estate of Richard B. Walker, deceased, to sell the lands of said estate and the dower interest of Mary M. Walker, widow of said decedent, at private or public sale, without an order of court.

To authorize Margaret Wilson, widow of Irvin Wilson, deceased, to sell and convey by deed certain lands therein named.

To compensate L. F. Elliott, late jailer of Shelby county, for feeding certain prisoners.

To authorize Mrs. Jane Hamilton, of Sanford county, to sell certain lands therein mentioned.

To regulate the pay of grand and petit jurors of DeKalb county.

To remove the administration of the estate of James Gordy, deceased, from the probate court of Barbour county into the probate court of Russell county.

To incorporate the town of Pine Apple, in Wilcox county.

To authorize and empower John Quinn, of Muscogee county, Georgia, to administer upon the estate of James Torrey, in Russell county, Alabama.



To prohibit the sale of vinous or spirituous liquors within two miles of Town Creek church, Dallas county.

To authorize Eliza M. Buchanan, administrator of the estate of Howell R. Buchanan, deceased, to sell the lands of said estate at private sale.

To allow Q. W. S. Hunter, a blind man, of Randolph county, to show certain things, therein named, free of State and county license.

For the relief of the Pleasant Ridge female institute, in Greene county.

To repeal an act entitled an act to incorporate the Central Southern Mechanical and literary institute, approved January 20. 1852.

To prevent camp hunting in the county of Marion.

To raise revenue for the State.

To fix the distance for which mileage shall be allowed for Geneva county.

To prescribe the time when the criminal dockets shall be taken up in the counties of Walker, Fayette, Marion, Sanford and Winston.

For the better protection of human life.

To amend section 2721 of the Revised Code.

To change the line between Lee and Chambers county, so as to include the southwest quarter of section eight, township twenty, range twenty five, in Lee county.

To relieve the tax collector of Washington county, Alabama.

To prohibit the sale of vinous or spirituous liquors within one mile and a half of the male and female academy at Sandy Ridge, Lowndes county.

To authorize the governor to issue a patent conveying section sixteen, in township sixteen, range seven, west, to Wm. H. Snow, upon certain conditions therein expressed,

To repeal an act entitled an at fixing the compensation of the treasurer of Clarke county, approved February 14, 1870.

To amend section 117 of an act entitled an act to establish revenue laws for the State of Alabama, approved December 21. 1668, so far as the same relates to the county of Henry.

To prevent the obstruction of the free passage of fish into and out of the waters of Flint Creek, Morgan county.

To establish the fees of the county treasurer of Washington county.

For the relief of Mrs. Hannah T. Newman, of DeKalb county.

To relieve James E. Knott, guardian of Elmira E. Knott and William M. Knott, minors, of Sumter county, from making annual settlements of his guardianship in the probate court for three years.

To exempt all transcripts and other papers used in making out claims for pensions and county claims, &c., from stamp tax on State and county seals.

To provide an additional term of the chancery court for the first district in the middle division, composed of the county of Coosa.

For the relief of Thomas J. Kinnard, of Hale county.

To authorize Warner Bailey, of Choctaw county, to erect gates across the public highway.

Also, joint resolution—

To the president of the United States, in behalf of the farming interests of Alabama.

And joint memorial of the general assembly of the State of Alabama—

To the congress of the United States, asking an additional grant of the public lands for the endowment of an agricultural and mechanical college in the State of Alabama.

Respectfully,

W. V. CHARDAVOYNE,  
Private Secretary.

#### ENROLLED BILLS.

Mr. Powell, from the committee on enrolled bills, reported as correctly enrolled the following bill—

To amend sections 4, 6, 7, 9, 12 and 28 of an act to amend the charter of the city of Montgomery and the various laws heretofore passed amending the said charter, approved March 3, 1870.

The following veto message was received from the governor, by his secretary, Mr. Chardavoyne :

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
Montgomery, February 24, 1872. }

Gentlemen of the Senate and House of Representatives :

I return without my approval a bill, originating in the House, entitled an act " to authorize the sale of the swamp

and overflowed lands of the State of Alabama to the Mobile and North-western railroad company upon the terms therein stated."

The following is the act of Congress granting to Alabama the " swamp and overflowed lands" :

### AN ACT

Of Congress to enable the State of Alabama and other States to reclaim the swamp and overflowed lands within their limits,

Section 1. Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That to enable the State of Alabama to construct the necessary levees and drains to reclaim the swamp and overflowed lands therein, the whole of those swamp and overflowed lands made unfit thereby for cultivation, which shall remain unsold at the passage of this act, shall be, and the same are hereby granted to said State.

Sec. 2. And be it further enacted, That it shall be the duty of the secretary of the interior, as soon as may be practicable after the passage of this act, to make out an accurate list and plats of the lands described as aforesaid and transmit the same to the governor of the State of Alabama, and at the request of the said governor, cause a patent to be issued to the State therefor, and on that patent the fee simple to said lands shall vest in the said State of Alabama, subject to the disposal of the legislature thereof ; Provided, however, That the proceeds of said lands, whether from sale or appropriation in kind, shall be applied exclusively, as far as necessary, to the purpose of reclaiming said lands by means of the levees and drains aforesaid.

Sec. 3. And be it further enacted, That in making out a list and plats of the lands aforesaid, all legal subdivisions, the greater part of which is "wet and unfit for cultivation," shall be included in said lists and plats; when a greater part of a subdivision is not of that character, the whole of it shall be excluded therefrom.

Sec. 4. And be it further enacted, That the provisions of this act be expanded to and their benefits be conferred upon each of the other States of the Union in, which such swamp and overflowed lands, known as designated aforesaid, may be situated."

Approved, September 28, 1850.

The first section of the act of Congress clearly and unmistakably declares the object of the donation of the swamp lands to be, "to enable the State of Alabama to construct the necessary levees and drains to reclaim said lands."

Such is the trust and condition upon which the government of the United States granted and Alabama accepted the donation. To give away to any person or corporation the lands so granted, would, in my opinion, be a violation of the trust ; a disregard of the conditions ; a moral as well as legal forfeiture of the grant, and a great obstacle in the way of Alabama ever again becoming the beneficiary of similar grants in the future.

I do not think that the government of Alabama has the power or the right to dispose of the swamp and overflowed lands in the manner provided for in this bill now returned without the consent of the government of the United States.

The bill, it is true, professes to sell the lands to the Mobile and North-western railroad company, but the sale could only be considered a formality—a soft and courteous evasion of the trust, while in substance and reality it would be deemed a gift. Two cents per acre is a very nominal sum—too nominal to be an acceptable fulfillment of the trusteeship Alabama solicited and assumed. It is incumbent on Alabama to discharge the trust with exactitude—to perform the conditions subsequent with scrupulous fidelity.

It, however, the State of Alabama has the right, without the consent of Congress, the donor, to divert the swamp and overflowed lands, or the proceeds arising from the sale thereof, from the object and purpose expressed in the act of Congress, the constitution of the State, in article 11, Section 10, has appropriated them to educational purposes. Two cents per acre would, in my opinion, be a meagre compliance with this constitutional appropriation.

Section 32 of article I: of the constitution of the State provides that no money, credit or other thing be loaned or given away without the concurrence of two-thirds of the members of each House. This is a plain and stern prohibition, and can not be evaded by a nominal sale at a nominal price. If a piece of property—a tract of land, for example—is designedly sold for two cents when it is worth twenty cents—it seems to me the purchaser is virtually a donee of eighteen-twentieths of the land.

The legislature can not directly, or indirectly, give away any property belonging to the State unless by a concurrent

vote of two-thirds of the members of each House, and the votes taken by yeas and nays, entered upon the journal.

The bill itself is palpably defective in not providing for a recognition and confirmation of the rights of settlers already in possession of many of the lands under pre-emption. Some three or four hundred pre-emption claims have been allowed, and many of them paid for, which might be defeated by the passage of this bill, and the State compelled to refund twenty thousand dollars now in the treasury deposited there by the swamp land commissioners. In addition to this, if the bill should become a law, it may be asked whether the purchasers of these lands in after years may not rightfully demand of the State the necessary levees and drains contemplated by act of Congress.

These views are respectfully submitted to the consideration of the General Assembly. It is always with reluctance that I withhold my approval of the action of the General Assembly—that reluctance is increased rather than diminished, involving now, as it does, a measure intended to promote the welfare and prosperity of the commercial city of Mobile.

I have hastened to return the bill with my objections at the earliest possible moment, that the General Assembly might have an opportunity to consider them before the close of the session.

ROBT. B. LINDSAY.

On motion of Mr. Alley—

The House then adjourned until Monday morning 10 o'clock.

— — —

SIXTY-SEVENTH DAY.

MONDAY, February 26, 1872.

House met pursuant to adjournment.

Prayer by Mr. Murrah.

The journal of Saturday was read and approved.

REVISION OF THE LAWS.

Mr. Hodo, from the committee on the revision of the laws, reported favorably to the following bill :

To authorize a special term of the chancery court of Morgan county.

## ACCOUNTS AND CLAIMS.

Mr. Grayson of Clark, from the committee on accounts and claims, reported favorably to the bill —

To supply the county of Lauderdale with a tract book of said county ;

Which was read a third time under a suspension of the constitutional rule, and passed.

By leave, Mr. Henry introduced a bill—

Organizing the State into seven congressional districts ;

Which was read three times, under a suspension of the constitutional rule, and passed.

The Senate bill—

To repeal section 51 of an act to establish a new charter for the city of Selma, approved December 4, 1868,

Was passed.

By leave, Mr. McCall introduced a bill—

To repeal an act to fix the time and place of holding the chancery court in the district composed of the counties of Barbour, Henry and Dale, of the eastern chancery division, approved February. 19, 1873.

Message from the Senate by Mr. Whiting :

SENATE CHAMBER,  
February 25, 1872. }

Mr. Speaker :

The Senate has passed House bills as follows:

To restrain the tax collector of Barbour county from collecting excessive taxes from Wm. P., John and Henry C. Copeland, Charles Burriss, Mrs. Jane Carver, and Dr. E. S. E. Bryan, all of the city of Eufaula, for the year 1871.

To exempt the Columbus, Fayette & Decatur railroad from taxation.

Requiring justices of the peace of Clay and Blount counties to act as apportioners and supervisors of public roads.

In relation to the agricultural and mechanical college of Alabama,

Joint resolutions on the publication of the laws.

To provide for a sinking fund for the redemption of the State debt.

To authorize Caroline M. Preston, administratrix of the es-

tate of B. S. Garrott, deceased, to sell the lands of said estate at private sale.

To supply the county of Lauderdale with a tract book for said county.

To apportion representation to the county of Colbert.

To regulate election returns in Colbert county.

To extend to the fire companies of the city of Montgomery the benefit of the provisions to an act to raise a fund for the benefit of the fire companies of the city of Mobile, approved March 1, 1870.

The Senate has amended, as therein shown, and passed the House bill—

To establish additional revenue laws for the State of Alabama, applicable alone to the county of Dallas.

The Senate has originated and passed a bill—

Providing for the disposal of the funds arising from the sale of the public lands donated by congress to Alabama for the benefit of agriculture and the mechanic arts.

M. P. BLUE,  
Secretary.

The House proceeded to the consideration of the veto message of the governor to the bill—

To authorize the sale of swamp and overflowed lands to the Mobile & Northwestern railroad company, on the terms therein stated.

The question being on the passage of the bill, notwithstanding the veto of the governor.

And the bill did not pass.

Yeas 42, nays 37.

Yeas—Messrs. Alley, Black, Bullock, Carlin, Cochran, Coleman, Craig, Curtis, Diggs, Dozier, Drake, Dustan, Ellison, Gaskin, Gee, Grayson of Clarke, Green, Haralson, Henderson, Hodo, Holmes of Baldwin, Johnson of Dallas, King, Knox, Lindsay, Lowe, McDermott, Marlowe, Murrah, Nininger, Perrin, Rice, Sims, St. Clair, Speed, Strauss, Thompson, Toulmin, Tyler, Wells and Williams—42.

Nays—Messrs. Speaker, Appleton, Ashurst, Boyd, Bulger, Calloway, Cowan, Crook, Davis, Etheridge, Graham, Grayson of Madison, Gunn, Hamilton, Henry, Hewitt, Hitchcock, Howell, Hurt, Johnson of Coosa, Kennedy, Lewis, Lumpkin, McCall, McCaskey, Miller, Moore, Payne, Raisler, Semmes, Smith of Greene, Smith of Sumter, Speake, Steele, Taylor of

Lauderdale, Taylor of Winston, Ware, Weatherford and White  
—37.

Mr. Boyd and Mr. Duskin introduced a bill—

To repeal an act for the sale of swamp and overflowed lands  
of the State of Alabama, and for other purposes ;

Which was read twice, under a suspension of the constitu-  
tional rule.

Mr. Lowe moved to amend by proviso as follows ;

Provided, That nothing herein contained shall prevent the  
issue of patents to lands already sold in compliance with law»  
and paid for by bona-fide settlers ;

Which was adopted.

And the bill read a third time, under a suspension of the  
constitutional rule, and passed.

By leave, Mr. Speaker introduced a bill—

To authorize the commissioners court of Pike county to.  
to collect a tax to pay bridge claims, if in their opinion it is,  
necessary ;

Which was read three times, under a suspension of the con-  
stitutional rule, and passed.

A message was received from the Senate by Mr. Whiting,  
requesting a return to the Senate of the bill—

To provide for the funds arising from the sale of the public  
lands donated by Congress to the State of Alabama for the  
benefit of agriculture and the mechanic arts.

The bill was ordered to be returned by the clerk, in accord-  
ance with the request of the Senate.

By leave, Mr. Semmes offered the following preamble and  
resolutions ;

Which were unanimously adopted :

Whereas, It has pleased an Allwise Providence to remove  
from among us our late beloved and honored associate, the  
Hon. G. Frank Smith, representative in this body from Choc-  
taw county ; therefore—

Be it resolved by the House of Representatives of the Gen-  
eral Assembly of Alabama, That while we humbly submit  
ourselves to this dispensation, we deeply deplore the loss of  
a genial and valued associate, of a faithful and able represent-  
ative, and of an honest and true patriot.

Resolved, That we tender to the immediate family and  
friends of the deceased our sincere sympathy and heartfelt  
condolence.

Resolved, That as a mark of respect to the memory of the



deceased, we wear the usual badge of mourning for thirty days.

Resolved, That as a further mark of respect to the memory of the deceased, this House do now adjourn until four o'clock this afternoon.

Upon the adoption of which—

Mr. Speaker declared the House adjourned until 4 o'clock this afternoon.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

Message from the governor, by Mr. Chardavoyne :

Mr. Speaker :

I am instructed by his excellency, the governor, to inform you that he has approved the following acts originating in the House of Representatives :

In relation 10 the Southern Express company.

To extend to the fire companies in the city of Montgomery the benefits of the provisions of an act to raise a fund for the benefit of the fire companies in the city of Mobile, approved March 1, 1870.

To regulate elections in the State of Alabama.

To amend sections four, six, seven, nine, twelve and twenty-eight of an act entitled an act to amend the charter of the city of Montgomery, and the various laws heretofore passed amending the said charter, approved March 3, 1870.

To amend section one of an act entitled an act to authorize the Georgia Western railroad company to extend and construct their road from the Georgia line to" the town of Gadsden, on the Coosa river, approved December 31, 1868.

To provide for a sinking fund for the redemption of the State debt.

To establish a college at Auburn, in Lee county, for the benefit of agriculture and mechanic arts, pursuant to an act of the congress of the United States, approved July 2, 1862.

To apportion representation in the county of Colbert.

Requiring the justices of the peace of Clay and Blount counties to act as apportioners and supervisors of public roads.

To restrain the tax collector of Barbour county from col-

lecting excessive taxes from William P., John C. and Harry C. Copeland, Charles Burriss, Mrs. Jane Carver, and Dr. E. S. Gr. Bryan, all of the city of Eufaula, in the year 1871.

In relation to the agricultural and mechanical college of Alabama.

To exempt the Columbus, Fayette & Decatur railroad from taxation.

To regulate election returns in Colbert county.

To repeal an act enacted by the board of education, establishing a female normal school for the education of white female teachers, approved December 80, 1871.

To repeal an act enacted by the board of education, entitled an act to provide for the education of white teachers.

To amend certain sections of the Revised Code, viz : 3833, 3834, 3836, 3837, 3839, 3853, 3855, 3856, article 2, chapter 5, title 2, part 4.

W. V. CHARDAVOYNE,  
Private Secretary.

By leave, Mr. Strauss offered the following resolution ;  
Which was adopted:

Resolved, That the committee on ways and means is hereby authorized to employ a clerk, and that the sum of fifty dollars be, and the same is hereby allowed for his services.

On motion of Mr. Alley, it was—

Resolved, That the door-keeper of the House shall not be held responsible for the books obtained from the secretary of State for the use of members of this House, except to the extent such books have been or may be returned to him ;

Provided, that he make a certificate of the fact that any of said books not on hand were delivered to members, and have not been returned.

Mr. Crook offered the following resolution :

Resolved, That the door-keeper of the House be allowed six dollars per diem for serving notice on Hon. John Elliott, and thirty dollars traveling expenses incurred by him in going to and returning from Mobile.

Mr. Semmes moved to amend the resolution as follows:

Provided, that he do not draw the six dollars as door-keeper during the time he was absent ;

Which was adopted,

And the resolution, as amended, was adopted.

On motion of Mr. Appleton, it was

Resolved, That the thanks of this House are hereby tendered to the ministers of the different churches of the city for the faithful, efficient and acceptable services performed by them as chaplains during the present sitting of the general assembly.

Message from the Senate, by Mr. Dereen :

SENATE CHAMBER,  
Montgomery, Feb. 26, 1872. }  
Mr. Speaker :

The Senate has passed the following House bills :

To incorporate the Clanton hook and ladder company of Dadeville.

To repeal an act for the sale of the swamp and overflowed lands of the State of Alabama.

To remove the administration of the estate of Caroline Goree, deceased, from the county of Greene to the county of Hale, and the administration of the estate of Willis Maxwell, deceased, from the probate court of Tallapoosa to the probate court of Coosa county.

To amend an act entitled an act to amend an act incorporating the Montgomery and Pickett Springs gravel road company.

To repeal an act entitled an act to fix the time and place of holding the chancery court in the district composed of the counties of Barbour, Henry and Dale, of the eastern chancery division of Alabama, approved 19th February, 1872.

To regulate the fees of notary public and justices of the peace for Wilcox county, and to provide for the payment of the same in certiorari cases.

For the relief of William L. Mims of Monroe county.

To incorporate the town of Waterloo, in Lauderdale county.

And has originated and passed a bill—

For the relief of the securities on the official bond of Simeon D. Wilson, former tax collector of Pike county.

The Senate has also adopted the following resolutions :

Resolved, (the House concurring,) That the two houses of the general assembly adjourn sine die this evening at 10 o'clock.

Resolved, (the House concurring,) That a committee of two from the Senate and three from the House be raised, to

wait on his excellency the Governor, and inform him that the two houses of the general assembly have agreed to adjourn this day, and request to know if he has any further communication to make to the general assembly.

Messrs. Pennington and Farden are the committee on the part of the Senate.

M. P. BLUE,

Secretary.

The resolutions of the Senate were concurred in, and in accordance with the second resolution, Messrs. Lewis, McCall and Hewitt were appointed the committee on the part of the House.

The House proceeded to consider the amendments of the Senate to the bill—

To establish revenue laws for the State of Alabama.

The question being on concurring in the amendments of the Senate,

Mr. Bulger moved that the House adjourn until 15 minutes to 12 o'clock to-night ;

Which was lost.

The House concurred in the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 10th, 11th, 12th, 13th, 14th, 17th and 19th, and refused to concur in the 9th, 15th, 16th, 18th and 20th.

Pending further consideration of the amendments;

Mr. Graham moved that the House now adjourn sine die;

Which was lost.

Yeas 25, nays 33.

Yeas—Messrs. Bulger, Calloway, Curtis, Dozier, Gee, Graham, Grayson of Clarke, Grayson of Madison, Gunn, Hamilton, Henderson, Hodo, Johnson of Coosa, Kennedy, Lumpkin, McCaskey, Murrah, Perrin, Raisler, Sims, Speake, Steele, Ware, Weatherford and Wells—25.

Nays—Messrs. Speaker, Alley, Appleton, Black, Boyd, Bullock, Cochran, Cowan, Craig, Diggs, Drake, Duskin, Gaskin, Greene, Hewitt, Howell, Johnson of Dallas, King, Knox, Lewis, McCall, McDermott, Marlowe, Moore, Rice, St. Clair, Speed, Strauss, Taylor of Lauderdale, Thompson, Toulmin, White and Williams—33.

By leave, Mr. Boyd offered the following resolution ;

Which was adopted.

Resolved, That the journal clerks be allowed the same compensation as was allowed the journal clerk of last session of the General Assembly.

By leave, Mr. Knox offered the following resolution ;  
Which was adopted:

Resolved, That the auditor be, and is hereby authorized to draw his warrant on the treasurer in favor of Robert Arrington, for the sum of twenty dollars for work done in the Hall of the House in the way of repairing furniture, making shelves, &c.

The Senate bill—

For the relief of Robert T. Dade, Charles T. Dade, and Henry M. Dade, minor children of Robert T. Dade, deceased, late of Mobile ;

Was read three times, under a suspension of the constitutional rule, and passed.

By leave, Mr. Bullock offered the following resolution ;  
Which was adopted :

Resolved, That the thanks of this House are hereby tendered to the Hon. John P. Hubbard, Speaker of the House, and the other officers thereof, for the courtesy, impartiality and fidelity with which they have discharged the duties of their respective offices.

The House concurred in the Senate amendment to the House bill—

To establish additional revenue laws for the State of Alabama.

The House then adjourned until half past 9 o'clock to-night.

#### NIGHT SESSION.

The House met pursuant to adjournment.

Message from the Senate, by Mr. Whiting:

SENATE CHAMBER,  
Montgomery, Feb. 26, 1872.}

Mr. Speaker :

The Senate has passed House bill as follows—

Requiring the sureties on the official bonds of the county officers of Elmore county to reside in said county.

M. P. BLUE,  
Secretary.

By leave, Mr. Strauss offered the following resolution ;  
Which was adopted :

Resolved, That the Speaker be, and he is hereby authorized to certify the account of Robert Clark, the sergeant-at-arms, for three days, at six dollars per day, for services rendered ia going to Mobile, to serve papers in the Elliott case.

Message from the Senate by Mr. Whiting:

SENATE CHAMBER,  
Montgomery, Feb. 26, 1872.}

Mr. Speaker:

The Senate has passed the following House bill—

For the relief of Lavinia Miller, of Coffee county.

To authorize the commissioners court of Pike county to collect a tax to pay bridge claims, if in their opinion it is necessary.

And has passed joint resolution to pay certain witnesses therein named.

M. P. BLUE,  
Secretary.

Mr. Hewitt called up

The Senate bill—

To confer additional powers on the corporate authorities of the city of Birmingham.

The bill was read the second and third time, under a suspension of the constitutional rule, and passed.

Message from the Governor, by Mr. Chardavoyne ;

EXECUTIVE DEPARTMENT,  
Montgomery, 26th Feb., 1872.}

Mr. Speaker :

I am directed by his excellency the governor to inform you that he has approved the following acts originating in the House of Representatives :

To authorize the commissioners court of Pike county to collect a tax to pay the bridge claims, if in their opinion it be necessary.

To repeal an act for the sale of the swamp and overflowed lands of the State of Alabama, and for other purposes.

To authorize Caroline N. Preston, administratrix of the

estate of B. S. Garrett, deceased, to sell the lands of said estate at private sale.

To regulate the fees of notaries public and justices of the peace for Wilcox county, and to provide for the payment of the same in certain cases.

For the relief of Lavinia Miller of Coffee county.

A joint resolution to pay certain witnesses therein named.

To incorporate the Clanton hook and ladder company of Dadeville.

To supply the county of Lauderdale with a tract book of said county,

For the relief of Wm. L. Mimms, of Monroe county.

A joint resolution on the publication of the laws.

To amend an act to amend an act, incorporating the Montgomery and Pickett Springs gravel road company.

To establish additional revenue laws for the State of Alabama.

To repeal an act to fix the time and place of holding the chancery court in the districts composed of the counties of Barbour, Henry and Dale, of the eastern chancery division of Alabama.

To remove the administration of the estate of Caroline Goree, deceased, from the county of Greene to the county of Hale ; and the administration of the estate of Willis Maxwell, deceased, from probate court of Tallapoosa to probate court of Coosa county.

Requiring the sureties on the official bonds of the county officers of Elmore county to reside in said county.

To incorporate the town of Waterloo, in Lauderdale county.

Respectfully,

W. V. CHARDAVOYNE,

Secretary.

Mr. Boyd from the committee on agriculture, reported favorably to the Senate bill—

In relation to the culture of fish in the State of Alabama.

Pending the consideration of which—

The hour of 10 o'clock having arrived, in accordance with the resolution of the two Houses, the House stood adjourned sine die.

JOHN P. HUBBARD,

Speaker of the House.

Attest : ELLIS PHELAN,

Clerk of the House.

BILLS, JOINT RESOLUTIONS, MEMORIALS &c.

INTRODUCED INTO THE HOUSE, SESSION OF 1871-72.

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By Mr. ALLEY—  
1871.

Dec. 14. For the relief of A. L. Brooks and Graham & Abercrombie. Referred to committee on accounts and claims. Substitute reported and passed January 24.

1872.

Jan. 17. To amend section 867 of the Revised Code. Referred to committee on revision of the laws.  
29. For the relief of the poor of Macon county. Referred to committee of fees and salaries.

To prohibit the sale of liquors within three miles of New Hope church, in Macon county. Referred to committee on local legislation. Passed January 30.

To prohibit the sale of liquors within three miles of New Cubahatchie Baptist church, in Macon county. Referred to committee on local legislation. Passed January 30.

To prohibit the sale of spirituous liquors within three miles of the Methodist Episcopal church, at "Warrior Stand, Macon county. Referred to committee on local legislation. Passed January 30.

Feb. 4. To declare void certain agreements therein mentioned. Referred to committee on judiciary.

By Mr. APPLETON—  
1871.

Nov. 25. To change the line between the counties of Cherokee and DeKalb.  
For the relief of Lafayette F. Reid of Etowah county. Referred to committee on appropriations.



By Mr. APPLETON—Continued—

Dec. 1. For the relief of Hannah T. Newman of DeKalb county. Referred to committee on local legislation. Passed January 30.

14. To fix the time of holding the courts in the fifth judicial circuit. Referred to committee on the judiciary. Passed January 26.

1872.

Jan. 15. To regulate the registration of claims against the county of DeKalb. Referred to committee on local legislation.

To create a new voting precinct in DeKalb county. Referred to committee on privileges and elections.

To facilitate the collection of sixteenth section notes, so far as relates to the county of DeKalb. Referred to committee on education.

29. To make Mrs. Elizabeth Newman, wife of Moses G. Newman of DeKalb county, a free dealer. Referred to committee on local legislation.

To repeal an act to suppress murder, lynching and assaults and batteries, approved December 28, 1868, so far as it relates to Jackson and DeKalb. Passed.

To regulate the pay of grand and petit jurors in DeKalb county. Passed.

To repeal "An act for the suppression of secret organizations of men disguising themselves for the purpose of committing crimes and outrages," approved December 28, 1868, so far as relates to the counties of Jackson and DeKalb. Amended and passed.

Feb. 4. To establish a new charter for the town of Gadsden, in Etowah county. Passed.

By Mr. ASHURST—

1871.

Nov. 28. To prevent the sale of liquors within two and a half miles of Bradford Chapel church, in Macon county. Referred to committee on local legislation. Passed January 30.

Dec. 14. To require the auditor to draw his warrant in favor of certain parties in Etowah county who have paid into the State treasury moneys on license tax illegally assessed. Amended and laid on the table.

By Mr. ASHURST —Continued—  
1872.

- Jan. 29. To amend section two of an act fixing salaries of teachers, and to provide for supplementing the same, passed December 20, 1871. Referred to committee on education.
- Feb. 19. To change the boundary line between the counties of Lee and Tallapoosa. Passed.

By Mr. BENSON—  
1871.

- Dec. 5. To authorize the commissioners court of Elmore county to borrow money, and issue bonds for the same. Referred to committee on local legislation. Substitute reported and passed January 30.
- 9. To incorporate the Wetumpka female college. Referred to committee on corporations.  
(With petition) To repeal an act to incorporate the Central Southern Mechanical and Literary Institute, approved January 3, 1852. Referred to committee on corporations. Passed Feb'y 1.
- 14. To amend section 3813 of the Revised Code. Referred to committee on penitentiary. Passed January 24.
- To appropriate money, in a certain contingency, for the penitentiary. Referred to committee on penitentiary. Report adverse and concurred in January 24.

1872.

- Jan. 15. To authorize L. F. Townsend to sell the real estate of L. P. Saxon, deceased. Referred to committee on the judiciary.
- Feb. 3. Requiring the sureties of the official bonds of the county officers of Elmore county to reside in said county. Passed.

By Mr. BLACK—  
1871.

- Nov. 21. For the relief of Daniel Walker of Barbour county. Laid on the table.
- 22. To incorporate the Bluff City Hook and Ladder company of the city of Eufaula. Referred to committee on corporations. Passed November 28.

By Mr. BLACK—Continued—

Nov. 22. To incorporate the Devoted Brothers of Eufaula.

Laid on the table

28. To amend section 4397 of the Revised Code. Referred to committee on revision of the laws.

Passed, as amended by committee, January 25,

Dec. 14. To prohibit the sale of liquors within three miles of Ramah church, in Barbour county. Passed.  
To define and regulate the mode of punishment of criminal offences in the State of Alabama. Referred to committee on the judiciary. Report adverse and concurred in January 30.

1872.

Jan. 10. For the protection of mechanics in this State. Referred to committee on the judiciary. Report adverse, but not concurred in, and bill passed January 30.

To repeal "An act to change the line between the counties of Barbour and Russell." Referred to committee on counties and county boundaries

For the relief of Henry E. Wales, a minor. Referred to committee on local legislation.

15. For the relief of Charles Burris of the county of Barbour. Referred to committee on ways and means.

26. To extend the corporate limits of the city of Eufaula. Referred to committee on corporations.

To extend the time to the tax collector of Barbour county, in which to report " list of insolvencies and list of errors in assessments. Referred to committee on ways and means. Report adverse and concurred in February 8.

To amend an act for the relief of laborers and employees. Referred to committee on agriculture.

Feb. 2. To repeal an act entitled "An act to amend section 10 of an act to incorporate the city of Eufaula." Referred to committee on corporations.

By Mr. BOX—

1871.

Nov. 22. To fix the time for the beginning and expiration of the term of office of tax collector in the several counties in this State. Referred to ways and means. Report adverse and concurred in December 8.

By Mr. BOX—Continued—

Nov. 28. To authorize the legal guardian of John R. Pearson of St. Clair county, to sell at private sale and convey by deed to the purchaser or purchasers, the real estate heretofore sold under an order of the probate court of said county, by the executors of the last will and testament of Charles M. Pearson, deceased. Referred to committee on the judiciary. Withdrawn Jan. 18.

29. To prohibit the sale of liquors within one mile of Antioch Baptist church, in St. Clair county. Referred to committee on local legislation.

Dec. 6. To incorporate the town of Attalla, in the county of Etowah. Referred to committee on corporations. Passed December 19,

1872.

Jan. 12. To repeal the following named acts, so far as they relate to the county of St. Clair :

"To regulate the publication of legal and other notices in the counties of Shelby, Walker, Baker, De Kalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence," approved March 3, 1870 ;

To amend an act to regulate the publication of legal and other notices in the State of Alabama," approved October 10, 1868 ;

And "an act to regulate the publication of legal and other notices in the State of Alabama," approved August 12, 1868. Passed.

18. To fix the time of holding the circuit court for the county of Jefferson, in the third judicial circuit. Referred to committee on the revision of the laws.

To incorporate the town of Ashville in the county of St. Clair. Referred to committee on corporations. Passed February 1.

19. To authorize Eliza M. Buchanan, administratrix of the estate of Howell R. Buchanan, deceased, to sell the lands of said estate at private sale. Referred to committee on local legislation. Passed as amended by committee Jan. 30.

To repeal an act to enable the commissioners courts of St. Clair, Walker and Choctaw coun-

By Mr. BOX—Continued —

ties, respectively, to erect bridges and have public buildings repaired, and to make the same-preferred claims against said counties, approved February 7, 1870, so far as the same relates to St. Clair county. Referred to committee on local legislation. Passed January 30.

Jan. 29. To authorize sheriffs and deputy sheriffs to administer oaths in certain cases. Referred to committee on the judiciary.

To repeal "an act to suppress murder, lynching and assaults and batteries," approved December 28, 1868, so far as it relates to St. Clair county. Passed.

To exempt maimed persons from working on public roads and streets. Referred to committee on public roads and highways.

By Mr. BOYD—  
1871.

Nov. 24. To incorporate the town of Guntersville, in Marshall county. Referred to committee on corporations. Passed November 28.

Dec. 16. To authorize the consolidation of the Alabama and Georgia Railroad Company, organized under the general laws of this State, with the Memphis Branch Railroad Company of the State of Georgia and other States, and to grant certain powers and privileges therein named. Referred to committee on internal improvements. Report adverse and concurred in January 20.

To prohibit the sale of vinous, spirituous and malt liquors within two miles of the furnace at Irondale, in Jefferson county. Passed.

1872.

Jan. 12. To provide for the election of chancellors in the western and eastern chancery divisions of Alabama. Referred to committee on judiciary. Report adverse and concurred in January 30.

To protect the State of Alabama against the illegal and fraudulent issue of bonds and securities, and for other purposes connected therewith. Referred to select committee.

By Mr. BOND—Continued—

Jan. 18. For the relief of Peter M. Ragsdale and J. C. Coleman of Marshall county. Referred to committee on revision of the laws. Passed January 30.

19. To repeal chapter 3, title 3, part 2 of the Revised Code.

24. For the relief of Reuben J. Wilson and Rufnia Cook of Jackson county. Ordered to a third reading. Lost on final passage, January 31.

26. To repeal "an act to suppress murder, lynching and assaults and batteries," approved December 28, 1868. so far as the same applies to the counties of Marshall and Butler. Passed.

Feb. 19. Supplementary to an act to relieve and regulate the finances of the State. Referred to the committee on ways and means. Amended and passed February 21.

By Mr. BRADFORD—  
1871.

Nov. 24. To amend subdivision four of section 3 of an act to establish revenue laws for the State of Alabama, approved December 31, 1868. Referred to committee on ways and means. Report adverse and concurred in January 13.

To declare and prescribe the duties of county solicitors. Referred to committee on revision of the laws. Amended by committee and passed December 2. Reconsidered and recommitted.

To secure a free exercise of the elective franchise in this State. Indefinitely postponed.

Joint resolution providing for a joint convention to elect solicitors for the several judicial circuits. Referred to judiciary committee. Report favorable and adopted November 28,

24. To require circuit judges to abstain from holding courts in their own circuits for two successive terms of said courts. Referred to judiciary committee. Indefinitely postponed December 7.

To force the collection of taxes from express companies. Referred to committee on ways and means. Passed January 16.

By Mr. BRADFORD—Continued—

Dec. 2. To amend the charter of the city of Talladega, and to confer additional powers on the mayor and aldermen of said city. Referred to committee on corporations. Passed December 16.

6. To repeal an act incorporating the town of Fayetteville, in Talladega county. Referred to committee on corporations, Passed February 1. For the benefit of Stella Crandall, of Calhoun county. Passed.

9. To authorize the probate court of Talladega county to sell lands of Edward Gantt, deceased, on petition of special administrator. Referred to committee on revision of the laws.

Joint resolution to provide for the payment of expenses incurred by a member of the committee appointed by the House at the last session of the general assembly to visit the Alabama institution for the deaf and dumb and the blind and the freedman's hospital, at Talladega. Referred to committee on accounts and claims. Passed January 24.

For the relief of N. J. Skaggs, of Talladega county. Referred to committee on accounts and claims. Passed January 24.

Dec. 14. To allow prosecutors to have counsel in criminal cases, who shall be leading counsel in such cases. Referred to committee on revision of the laws. Passed January 24.

To authorize Harriet Billingslea to administer upon the estate of Robert J. Glenn. Referred to committee on revision of the laws. Passed January 24.

To require the governor to make titles to Thomas J. Morrison to certain 16th section lands. Referred to committee on education.

For the relief of the Alabama institution for the deaf and dumb and the blind. Referred to select committee. Passed December 16.

1872.

Jan. 18. To prescribe a form of complaint in suits on foreign judgments. Referred to committee on revision of the laws.

To fix the remedy of unlawful detainer in certain

By Mr. BRADFORD—Continued—

cases. Referred to committee on revision of the laws.

To amend section 636 of the Revised Code. Referred to committee on revision of the laws.

Jan. 18. To authorize the private sale of land of the estate of Edward Kelley, deceased. Referred to committee on revision of the laws. .

22. To require foreign life insurance companies to take out licenses to do business in this State. Referred to committee on ways and means. Amended by committee, and lost February 1.

29. To repeal an act to suppress murder, lynching, and assaults and batteries, approved December 28, 1868, so far as it relates to the counties of Morgan and Winston. Passed.

To amend section 2278 of the Revised Code. Referred to committee on revision of the laws.

To amend election 1 of an act to authorize the Georgia Western railroad company to extend and construct their road from the Georgia line to the town of Gadsden, on the Coosa river. Referred to committee on internal improvements. Passed February 16.

By Mr. BULGER—  
1871.

Nov. 20. To amend and repeal an act for the relief of delinquent tax-payers, approved January 26, 1871. Referred to committee on ways and means. Substitute reported, adopted and passed November 29.

22. To ratify and confirm the actions of the courts of the State of Alabama, had between the 11th day of January, 1861, and the 22d day of September, 1865. Referred to judiciary committee. Substitute reported and passed January 25.

To authorize Mrs Melissa Howle, widow of Thomas T. Howle, deceased, to sell certain lands and make title to the same. Referred to committee on local legislation. Passed November 29.

To give force and effect to foreign judgments in



By Mr. BULGER—Continued—

the courts of this State. Referred to judiciary committee.

Nou. 25. To protect estates and purchasers in sales of property by executors, administrators, guardians and trustees. Referred to judiciary committee. Passed January 25.

To prohibit the conversion of money by justices of the peace and notaries public. Referred to judiciary committee.

28. To exempt from administration property of decedents, and vest titles in the widow or children. Referred to judiciary committee. Passed January 25.

To repeal sections 2061 and 2062 of the Revised Code. Referred to judiciary committee. Passed January 25.

Dec. 6. To authorize Margaret Wilson, widow of Irvin Wilson, deceased, to sell and convey by deed certain lands therein named. Referred to committee on local legislation. Passed as amended by committee, January 30.

14. To repeal an act to regulate the publication of legal notices in the counties of Blount, Talladega, Clay, Coosa and Tallapoosa, approved March 8, 1871; and an act to amend said act, approved October 10, 1868, so far as they relate to the county of Tallapoosa. Passed.

To amend section 10 of an act to incorporate the town of Dadeville, in the county of Tallapoosa. Passed.

To authorize Matthew D. Moore and Bell Taylor, guardians of the estate of Margaret Taylor, a lunatic, to sell the personal property of said estate at private sale. Passed.

To change the line between the counties of Bullock and Barbour. Passed.  
1872.

Jan. 12. To incorporate the town of Youngsville, in Tallapoosa county. Referred to committee on corporations. Passed January 19,

To authorize Mrs. Nancy J. Hollingsworth to sell certain lands therein described. Passed.

To prohibit the sale of vinous or spirituous liq-

By Mr. BULGER —Continued —

uors within one mile of Camp Hill church, in Tallapoosa county. Referred to committee on local legislation. Passed January 30.

Jan. 12. Memorial from the Tallassee Manufacturing company No. 1, on the subject of the taxation of their property, asking relief therefrom. Referred to committee on ways and means. Substitute reported and passed February 6.

13. To authorize B. F. Moseley, administrator of the estate of Lewis B. Moseley, deceased, to rent certain property privately. Passed.

Feb. 19. To amend section 5 of an act to create a new county out of portions of Chambers, Tallapoosa, Macon and Russell, to be called the county of Lee. Referred to select committee.

22. To incorporate the Clanton Hook and Ladder company of Dadeville.

28. In relation to the agricultural and mechanical college of Alabama. Passed February 24.

By Mr. BULLOCK—  
1871.

Nov. 21. To protect property upon which a levy has been made. Referred to committee on judiciary. Report adverse and concurred in November 27.

22. To amend section 2377 of the Revised Code. Referred to committee on revision of the laws. Passed December 2.

To facilitate the investigation of crimes and misdemeanors by grand juries. Referred to committee on revision of the laws. Report adverse and concurred in December 2.

27. To secure physicians in the payment of their fees for services rendered in certain, cases. Amended and referred to the committee on the judiciary. Laid on the table January 25.

To prevent the sale, barter, or exchange of agricultural products upon which there is a lien, or of which a division has not been made between employers and employees. Amended and referred to the committee on the judiciary  
For the relief of John B. Davis, tax collector of Greene county. Referred to committee on

By Mr. BULLOCK—Continued—

ways and means. Report adverse and concurred December 8.

Dec. 1. Requiring tax collectors to give tax payers, upon the payment of taxes by them, a receipt showing the articles listed by tax assessors. Referred to the committee on ways and means. Report adverse and laid on the table December 8.

4. To repeal subdivisions 1 and 4 of section 957 of the Revised Code. Referred to the committee on education. Passed January 20.

14. To amend an act to amend section 2961 of the Revised Code, approved March 8, 1871. Referred to committee on agriculture.

15. Joint resolution proposing a recess from 19th December until January 18. Lost.

1872.

Jan. 10. To allow claims not refiled against insolvent estates, when settled as solvent estates. Referred to committee on revision of the laws.

To extend the time for the collection of taxes for the year 1871, and to extend the time for selling real and personal property levied on for taxes unpaid for said year, in the county of Greene. Passed.

15. To amend section 1353 of the Revised Code. Referred to the committee on revision of the laws.

To authorize and require the judge of probate of Greene county to procure books for recording trusts on personal property and crop license.

Referred to committee on the judiciary. Substitute reported and passed January 27.

29. To regulate the enclosure of stock in a portion of the county of Greene. Ordered to a second reading. Amended and passed January 31.

Feb. 4. To require all persons who sell liquors to pay the same license tax that is or may be required by law of wholesale liquor dealers. Referred to committee on ways and means.

To amend section 3932 of the Revised Code. Referred to committee on revision of the laws.

By Mr. CALLOWAY—  
1871.

Nov 25. To restrain the commissioners court of Crenshaw county from levying a tax for county purposes of more than fifty per cent. on the present State tax. Referred to committee on ways and means. Report adverse and concurred in November 29.

To declare all roads over which the United States mail is carried to be public roads, and to compel commissioners courts to have the same worked as other public roads. Referred to committee on roads and public highways. Report adverse and concurred in November 29.

Dec. 5. For the relief of Thomas. A. Stokes, late tax collector of Crenshaw county. Referred to committee on appropriations.

7. To remove the administration of the estate of Samuel H. Davis and Andrew S. Davis, deceased, from the county of Butler to the county of Crenshaw. Referred to committee on local legislation. Passed January 30.

To regulate the chancery court in the fifth district of the southern chancery division. Passed.

1872.

Jan. 29. To change the boundary line between the counties of Crenshaw and Pike. Passed.

To authorize Enoch P. Walton, a citizen of Butler county, to retail and vend vinous or spirituous liquors in the city of Greenville, without State, county, or city license. Ordered to second reading.

By Mr. CARLIN—  
1871.

Dec. 16. For the relief of A. M. Mills and F. S. Breitling, administrators de bonis non, with the will annexed, of Gottlieb Breitling, deceased, late of Marengo county. Referred to a select committee.

By Mr. CARMICHAEL—  
1871.

Nov. 21. To repeal an act to incorporate the town of Ozark,  
in Dale, approved February 23, 1866. Passed.

To repeal " an act to lay off the county of Dale  
into four commissioners districts," approved  
February 16, 1867. Passed.

To punish persons for violating their contracts in  
certain cases. Referred to committee on the  
judiciary. Report adverse and' concurred in,  
November 27.

To authorize the chancellor to fix the times of  
holding the chancery court, in the second chan-  
cery district in the eastern chancery division.  
Referred to committee on the judiciary. Re-  
port adverse and concurred in, November 27.

22. To repeal " an act to regulate the publication of  
legal notices in the counties of Shelby, Walker,  
Baker, DeKalb, Cleburne, Marshall, Winston,  
Franklin, Coosa. Marion, Jefferson, St. Clair,  
Geneva, Covington, Bibb, Coffee, Dale and Law-  
rence, approved March 3, 1870, in so far as re-  
lates to the county of Dale. Referred to com-  
mittee on the judiciary. Amended and passed  
December 4,

To amend and repeal subdivision 5 of section 2061  
of the Revised Code. Report adverse and con-  
curred in December 2.

To prevent the selling, giving, or delivering of  
fermented, vinous, or spirituous liquors to any  
person who is, or is reported to be, of unsound  
mind. Referred to committee on revision of  
the laws. Passed December 2.

To amend and repeal section 3326 of the Revised  
Code. Referred to committee on revision of  
the laws. Report adverse and concurred in  
December 2.

To amend section 3306 of the Revised Code. Re-  
ferred to committee on revision of the laws.

To establish a system of internal improvements  
in the State of Alabama. Referred to commit-  
tee on internal improvements.

25. To authorize and require the governor to date the  
indorsement on certain railroad bonds therein

By Mr. CARMICHAEL—Continued—

named. Referred to committee on internal improvements. Report favorable and laid on

the table January 20.

Dec. 5. For the relief of Daniel Cumbie, administrator of Michael Deason, deceased. Referred to committee on local legislation.

14. To furnish a tract book for the county of Dale.

Passed.

To amend section 2562 of the Revised Code. Referred to committee on revision of the laws.

1872.

Jan. 10. To preserve order at China Grove camp ground, in the county of Dale. Referred to committee on corporations. Passed as amended by the committee January 19.

To incorporate the Protection Hook and Ladder company No. 1 of Selma. Referred to committee on corporations. Passed February 1.

15. To repeal section 1831 of the Revised Code. Referred to committee on revision of the laws.

To amend section 3705 of the Revised Code. Referred to committee on revision of the laws, Passed January 25.

22. To repeal " an act to suppress murder, lynching, and assaults and batteries," approved December 26, 1868, so far as the same relates to the county of Dale. Passed.

To amend an act to prohibit the sale of spirituous liquors within two miles of Clopton academy, in the county of Dale. Passed.

To add certain territory to the 11th district of the eastern chancery division of Alabama. Referred to committee on the judiciary.

To amend section 2 of an act to create a new chancery district out of the county of Dale, approved February 18, 1871. Referred to select committee.

30. Joint resolution for a joint convention on 31st instant, for the purpose of locating the agricultural college.

By Mr. CLARKE—

1872.

Dec. 4. To repeal section 2 of an act to incorporate the Palmyra female academy, in Barbour county, approved January 11, 1860. Referred to committee on corporations. Report adverse and concurred in February 1.

9. To require the county treasurer of Barbour and Randolph counties to retain sufficient funds to pay grand and petit jurors. Referred to committee on the judiciary. Substitute reported and laid on the table January 25.

1872.

Jan. 22. To increase the pay of county commissioners of the county of Barbour. Laid on the table.

By Mr. CLEMENTS—

1872.

Nov. 22. To prohibit the sale of spirituous, vinous or malt liquors within two miles of Kennedale cotton mills, in Tuscaloosa county. Referred to committee on local legislation. Passed January 30.

To authorize and empower the judges of probate of each county to procure copies of field notes.

Referred to committee on local legislation.

Report favorable, with amendment to apply only to Tuscaloosa county. Adopted, and bill passed November 29.

To amend section 2340 of the Revised Code. Referred to committee on revision of the laws.

Report adverse and concurred in December 2.

25. To fix the time of holding the chancery court in Tuscaloosa county. Referred to committee on the judiciary.

To fix the time of holding the circuit court in the third judicial circuit, and to repeal the third paragraph of section 750 of the Revised Code.

Referred to committee on the judiciary. Report adverse and concurred January 30.

29. To collect the fines and forfeitures in each county in cash. Referred to committee on the judiciary. Report adverse and concurred in January 30.

To require the claims against the fine and forfeit-

By Mr. CLEMENTS—Continued—

ure fund to be registered by the county treasurer. Referred to committee on the judiciary. Indefinitely postponed December 7.

Nov. 29. To relieve and regulate the finance of the State. Referred to committee on ways and means. Passed December 11.

To establish a college for the benefit of agriculture and the mechanic arts, as a branch of the university of Alabama, pursuant to an act of congress on that subject, approved July 2, 1862. Ordered to second reading. Referred to committee on education December 4. Referred to select committee December 5.

Dec. 9. To amend an act to incorporate the Tuscaloosa savings association. Referred to committee on corporations. Passed January 19.

1872.

Jan. 29. To require the fines and forfeitures in the county of Tuscaloosa to be paid in money. Referred to committee on revision of the laws.

To require the registration of all claims against the fine and forfeiture fund in the county of Tuscaloosa. Referred to committee on revision of the laws.

Petition from citizens of Hale and Tuscaloosa counties, in regard to a change of the line between said counties. Referred to committee on counties and county boundaries.

By Mr. COCHRAN—

1871.

Dec. 7. (With petition.) To prohibit the sale of liquors within two miles of Town Creek church, in Dallas county. Referred to committee on local legislation. Passed January 30.

14. To carry into effect section 5 of article 13 of the constitution, and to provide modes of procedure for the same. Referred to committee on the judiciary.

1872.

Jan. 19. For the relief of Mrs. Mary Graves, wife of Joseph Graves of Dallas county. Passed.



By Mr. COCHRAN—Continued—

- Jan. 19. For the protection of crops within certain limits in Dallas county. Referred to agriculture.
- 22. To regulate the mode of taking and approving official bonds of county officers. Referred to ways and means. Passed February 19.
- Feb. 4. In relation to recording of lost deeds. Referred to judiciary.

By Mr. COLEMAN—

- 1871.
- Dec. 4. To amend section 3706 of the Revised Code.  
Referred to revision of the laws. Passed January 24.
- To repeal in part section 4438 of the Revised Code. Referred to committee on revision of the laws.
- To repeal "an act to enable certain officers to collect their fees," approved February 7, 1871, so far as it affects the county of Washington.  
Referred to committee on judiciary.
- 6. To repeal an act to amend an act to regulate the publication of legal notices, approved October 8, 1868. Referred to committee on revision of laws.
- To repeal an act for the relief of certain school officers, so far as it applies to the county of Washington. Referred to committee on revision of the laws. Passed January 25.
- 9. To authorize the commissioners court of the county of Washington to levy and collect a tax for county purposes on the railroads that intersect said county. Amended and referred to committee on ways and means.
- Dec. 9. To establish the fees of the county treasurer of Washington county. Referred to committee on local legislation. Passed as amended by committee January 30.
- 16. To change the terms of the commissioners court of Washington county. Passed.
- For the relief of Thomas H. Bailey of Washington county. Referred to committee on local legislation. Report adverse and concurred in January 20.

By Mr. COLEMAN—Continued—  
1872.

- Jan. 29. To relieve the tax collector of Washington county.  
Passed.  
To fix the pay of jurors in the county of Washington. Laid on the table.

By Mr. COWAN—  
1871.

- Nov. 27. To amend section 1402 of the Revised Code.  
Referred to committee on internal improvements. Lost December 4. Vote reconsidered and bill passed December 5.
- Dec. 1. To authorize the commissioners court of Jackson county to levy a special tax from year to year, to pay off the indebtedness of said county.  
Referred to committee on local legislation.  
Passed January 30.  
To repeal sections 1401, 1402, 1406, 1407, 1408 and 1409 of the Revised Code. Referred to committee on revision of the laws.
4. To amend section 2934 of the Revised Code.  
Referred to committee on the revision of the laws.
9. To repeal an act to require the court of county commissioners to publish semi-annual exhibits of the receipts and expenditures of money for and on account of their respective counties.  
Referred to committee on printing. Passed January 24.

1872.

- Jan. 16. To repeal sections 1858, 1859 and 1860 of the Revised Code. Referred to committee on the revision of the laws.
26. To prohibit the sale of liquors within one mile of Spring Hill Academy, in Pickens county.  
Passed.

By Mr. CROOK—  
1871.

- Nov. 31. (With a petition.) To declare the town of Jacksonville, in Calhoun county, to be duly and legally incorporated, and to confer additional powers upon the corporate authorities in issuing bonds to supply the town with water, es-

By Mr. CROOK—Continued—

tablishing fire limits, and aiding in opening and keeping up roads outside of its limits. Passed.

Nov. 21. To repeal "an act to regulate the liability of persons to work on the public roads in the county of Benton," approved December 6, 1849. Passed.

(With a petition.) To confer power upon the court of county commissioners of Calhoun county to open and keep up the public roads crossing Blue Mountain in said county. Referred to committee on roads and public highway. Report adverse and concurred in March 29.

22. To change the line between the counties of Calhoun and Etowah. Referred to committee on counties and county boundaries. Passed December 4.

25. To authorize the resignation of guardians. Referred to committee on revision of the laws. Laid on the table January 24.

Dec. 1. To provide for the registration of deeds of conveyances in certain cases. Referred to committee on the judiciary. Passed January 25.

1872.

Jan. 10. For the relief of Caroline J. Alford of Montgomery county. Referred to committee on focal legislation.

19. To regulate the manner of giving notice of annual settlements of estates of decedents in the county of Calhoun. Passed.

To amend an act to incorporate the town of Oxford, in the county of Calhoun. Referred to committee on corporations.

Feb. 2. To authorize the corporate authorities of the town of Oxford to engage in works of internal improvement. Referred to committee on internal improvements.

To amend section 810 of the Revised Code. Referred to committee on revision of the laws.

4. To repeal "an act to suppress murder, lynching and assaults and batteries," so far as the same relates to Calhoun county. Passed.

By Mr. CURTIS—

1871.

Nov. 24. In regard to the competency of witnesses. Referred to committee on the judiciary. Amended and passed January 25. Reconsidered and bill lost on passage January 27.

1872.

Jan. 12. To amend section 16 of an act to establish revenue laws for the State of Alabama. Referred to committee on the judiciary.

To amend section 97 of the revenue laws of the State of Alabama, approved December 31, 1868. Referred to committee on ways and means. Adversely and concurred in February 1.

By Mr. DAVIS—

1871.

Dec. 6. To provide an additional term of the chancery court for the third district, eastern chancery division, composed of the county of Randolph. Referred to committee on judiciary.

16. Joint resolution, proposing a recess from the 19th December until 10th January. Adopted.

16. (With petition). To prohibit the sale of spirituous liquors within two miles of the Rock Mills manufacturing house, in Randolph county. Referred to committee on local legislation. Report adverse, and concurred in January 30.

1872.

Jan. 12. To allow Gr. W. S. Hunter, a blind man, of Randolph county, to show certain things therein named, free of State and county licenses. Referred to ways and means. Passed February 1.

12. To repeal section 1374 of the Revised Code, so far as the same relates to the county of Randolph. Referred to committee on revision of the laws. Passed January 25.

By Mr. DOSTER—

1871.

Dec. 8. To authorize the court of county commissioners of Autauga county, to borrow money and issue bonds of the county for same. Referred to

By Mr. DOSTER—Continued—

committee on local legislation. Passed December 12.

Dec. 9. To fix the commissions of register in chancery of the third district of the middle chancery division of the State of Alabama. Referred to judiciary committee.

14. To prohibit the retailing of liquors within two miles of the Methodist Episcopal church at Robinson Springs, in the county of Elmore; Passed.

14. To relieve John D. Cooper, of Autauga county, from the disabilities of minority. Referred to committee on local legislation.

16. To repeal an act entitled an act to repeal an act to authorize writs of garnishment against incorporated cities, towns and villages. Referred to committee on revision of the laws. Passed January 24.

16. To remove the disabilities of non-age, of William Thames Robinson, of Lowndes county. Laid on the table.

1872.

Jan. 10. (With petition). To authorize the corporate authorities of the town of Prattville, to subscribe to the capital stock of the South and North Alabama railroad company. Referred to select committee. Substitute reported and passed January 19.

10. To incorporate the town of Prattville. Referred to committee on corporations. Passed February 1st.

10. For the relief of the Methodist Episcopal church South, at Prattville. Referred to the committee on ways and means.

19. To amend the first and second section of an act to incorporate the South and North Alabama railroad company. Referred to committee on internal improvements.

19. Conferring certain authority on the "Alabama Detectives." Referred to committee on corporations. Amended by committee, and laid on the table February 1.

By Mr. DOSTER—Continued—

Jan. 29. To amend section 1685 of the Revised Code. Referred to judiciary committee.

29. To prescribe the manner in which the costs accruing in criminal cases in the supreme court shall be paid. Referred to judiciary committee.

Feb. 2. For the relief of Phoebe McCord, of Autauga county. Referred to committee on local legislation.

2. For the relief of Howard college. Amended and passed.

2. To amend "an act to supply justices of the peace and notaries public with forms," approved March 1, 1871. Ordered to second reading.

23. Reported a bill to amend sections 3833, 3834, 3836, 3837, 3839, 3853, 3855, and 3856, of article 3, part 4, title 2, chapter 5, of the Revised Code of Alabama. Passed.

23. Joint resolution to pay certain witnesses therein named. Adopted.

By Mr. DUSKIN—  
1871.

Dec. 1. To amend section 3734 of the Revised Code. Referred to revision of the laws. Passed January 24.

1. To relieve the Alabama Central railroad company from penalties incurred by the Selma and Meridian railroad company. Referred to committee on ways and means.

3. To incorporate the town of Dayton, in Marengo county. Referred to committee on corporations. Passed as amended by committee, January 19.

1872.

Jan. 15. To amend section 2664 of the Revised Code. Referred to committee on revision of the laws.

15. To relieve from the disabilities of non-age, Carrie Nelson Goree, of Hale county. Passed.

29. For the relief of Thomas J. Kinnard, of Hale county. Passed.

29. To amend section 2660 of the Revised Code. Referred to committee on revision of laws.

Feb. 20. To remove the administration of the estate of

By Mr. DUSKIN—Continued—

Caroline Goree, deceased, from the county of Greene to the county of Hale. Amended and passed.

By Mr. DUSTAN—

1871.

Nov. 24. To raise funds for the fire departments in this State. Referred to select committee. Lost December 1.

Dec. 6. To amend an act to incorporate the town of Demopolis, approved January 30, 1866. Referred to committee on corporations. Passed December 19.

13. To prohibit illegal voting in this State. Referred to select joint committee.

14. To amend an act to establish the Canebrake agricultural district, to provide for securing of the same, and the management of its officers. Referred to select committee. Passed as amended by committee December 16.

16. Authorizing and requiring the Governor to draw his warrant on the treasurer for legal services rendered the State by the late General James H. Clanton. Referred to finance committee. Report adverse, and concurred in January 20.

1872.

Jan. 17. To remove the administration of the estate of Josephine McRae, deceased, from the probate court of Hale county, to the probate court of Marengo county. Passed. Reconsidered and referred to local legislation. Report adverse, and concurred in January 30.

Jan. 17. To declare the criminal jurisdiction of justices of the peace in their respective beats or precincts in the county of Marengo. Referred to judiciary committee. Passed as amended by committee February 8.

For the relief of James F. Aldridge as executor of the last will and testament of Moses Westbrook, deceased, of Marengo county. Referred to select committee. Laid on the table February 2.

18. To regulate the county boundaries of Greene,

By Mr. DUSTAN—Continued—

Perry, Hale, Marengo and Sumter counties, so as to form a new county, to be called the county of Arcola. Indefinitely postponed.

Jan. 26. To establish an election precinct in the county of Marengo, to be known as Nixon's Store. Passed.

To extend the time for the collection of taxes in Marengo county, and for the sale of real estate for the tax year of 1871. Amended and referred to committee on ways and means. Report adverse, and concurred in February 8.

Feb. 26. To repeal an act for the sale of the swamp and overflowed lands of the State of Alabama, and for other purposes. Amended and passed.

By Mr. ELLISON—

1871.

Nov. 22. For the relief of Emma Clark, a minor. Referred to committee on ways and means. Passed November 28.

24. To require the judge of the probate court of Mobile county to account for all costs, fees, charges, &c., received by him. Referred to committee on revision of the laws.

To amend section 3517 of the Revised Code, as to Mobile county. Referred to committee on revision of the laws.

To authorize the judge of probate of Mobile county to employ two clerks in said office. Referred to committee on revision of the laws.

28. To amend subdivision four of section 112 of an act to establish revenue laws for the State of Alabama. Referred to committee on ways and means. Report adverse and concurred in January 13.

By Mr. ETHERIDGE—

1871.

Nov. 25. To authorize and empower A. W. Jones, probate judge of Conecuh county, to exercise jurisdiction over the estate of Jephtha V. Perryman, deceased. Referred to committee on local legislation. Passed November 29.



By Mr. ETHERIDGE—Continued—

- Nov. 26. To establish an election precinct at Brushy Creek church, in Conecuh county. Referred to committee on privileges and elections. Report adverse and concurred in February 20.
- Dec. 5. To regulate the publication of legal notices, sheriff's sales, tax sales and official reports, in Conecuh county. Amended and passed.
- 9. (With petition,) To change the seat of justice in Escambia county. Referred to committee on counties and county boundaries.

By Mr. GASKIN—

- 1872.
- Feb. 4. To repeal an act for the protection of plantations and lands against the depredations of stock in Lowndes county. Referred to committee on agriculture.

By Mr. GEE—

- 1871.
- Dec. 19. To regulate the practice of drumming in the city of Selma. Referred to judiciary committee.

By Mr. GILCHRIST—

- 1871.
- Dec. 4. To amend section 2660 of the Revised Code. Referred to committee on revision of the laws. Passed as amended by committee January 24.
- 5. To establish an inferior court of record in the town of Courtland. Referred to judiciary committee. Passed December 15.
- Petition of O. A. Vanhoot. Referred to committee on education.
- 1872.
- Jan. 16. To amend section 3694 of the Revised Code. Referred to committee on revision of the laws. Amended and passed January 25.
- To prohibit fishing in any artificial pond or lake in this State without the consent of the owner or owners thereof. Referred to committee on military. Passed January 24.
- Feb. 4. For the protection of game in Lawrence county. Referred to committee on agriculture.

By Mr. GILCHRIST—Continued—

- Feb. 4. For the protection of fish in the Tennessee river.  
Referred to committee on agriculture.

By Mr. GRAHAM—

1871.

- Nov. 22. To amend section 3733 of the Revised Code.  
Referred to judiciary committee. Report adverse and concurred in January 30.  
For the relief of Willie Raiford, of Marengo county. Referred to committee on local legislation. Passed November 29.  
To erect the agricultural district of South Perry, in Perry county. Referred to committee on agriculture.  
Dec. 7. For the relief of Warren S. Kennedy and James H. Stewart, administrators of the estate of William S. Kennedy, deceased. Referred to select committee. Passed December 8.

1872.

- Jan. 12. To authorize the administrator of the estate of Alfred Fuller, deceased, to sell the lands belonging to said estate. Referred to committee on local legislation. Lost on passage January 30. Reconsidered and passed January 31.  
18. To authorize and empower Elisha R. Parker, guardian of his minor children, to sell the lands belonging to the estate of such minors at private sale, for the purpose of re-investment. Passed.  
To amend sections 1621 and 1523 of the Revised Code. Referred to committee on revision of the laws.

By Mr. GRAYSON of Clarke—

1871.

- Dec. 1. To legalize the conveyance by H. C. and W. W. Doffin, minors, of their interest in certain lots of land. Referred to judiciary committee.  
To repeal an act fixing the compensation of the treasurer of Clarke county, approved February 14, 1870. Referred to committee on local legislation. Passed January 30.  
5. To fix the time of holding the chancery court for

By Mr. GRAYSON of Clarke—Continued—

the first district of the western chancery division. Referred to judiciary committee. Passed January 25.

For the relief of Henry A. Woolf. Referred to committee on local legislation.

Dec. 16. To repeal an act to regulate the publication of legal notices in the State of Alabama, approved August 12, 1868 ; and also, an act to amend an act to regulate the publication of legal notices, approved October 8, 1868, so far as the same applies to the county of Wilcox. Amended and referred to judiciary committee.

1872.

Jan. 22. To prohibit the sale of liquors within two miles of Salem church, in Clarke county. Referred to committee on local legislation. Passed January 30.

To prohibit the sale of liquors within two miles of the court house at Grove Hill, in Clarke county. Referred to committee on local legislation. Passed January 30.

To amend section 3832 of the Revised Code. Referred to judiciary committee.

To amend section 916 of the Revised Code. Referred to judiciary committee.

To amend section 917 of the Revised Code. Referred to judiciary committee.

29. To provide for trials by jury in cases of misdemeanor, quo warranto, and other remedial writs and to regulate the same. Referred to judiciary committee.

By Mr. GRAYSON of Madison—

1871.

Nov. 27. To repeal subdivision 18 of section 112 of an act to establish revenue laws for the State of Alabama, approved December 31, 1868. Referred to committee on ways and means. Report adverse and concurred in January 13.

1872.

Jan. 17. To repeal an act for the suppression of secret organizations of men disguising themselves for the purpose of committing crimes and outrages,

By Mr. GRAYSON of Madison—Continued—

approved December 26, 1868, so far as it applies to the counties of Madison and Henry.

Passed January 82.

Jan. 17. To repeal an act to suppress murder, lynching, and assaults and batteries, approved December 28, 1868, so far as relates to the county of Madison. Referred to select committee. Passed January 26.

To repeal an act to require the county commissioners to publish semi-annual statements of the receipts and expenditures of money for and on account of their respective counties, approved August 12, 1868. Referred to committee on ways and means. Report adverse and concurred in February 1.

26. To amend section 1827 of the Revised Code. Referred to committee on revision of the laws.

By Mr. GUNN—  
1871.

Nov. 24. To incorporate Somerville, in Morgan county. Referred to committee on corporations. Passed December 1.

To prohibit the sale of liquors in Somerville. Referred to committee on corporations. Passed

November 28.

To issue a patent to D. D. Gibson and J. N. Bibb, administrators of the estate of James M. Freeman. Ordered to a third reading. Passed November 25.

27. To prevent the sale of spirituous liquors within two miles of Mulberry College, in Blount county. Referred to committee on local legislation. Passed January 30.

To prevent gambling within two miles of Mulberry college, in Blount county. Referred to committee on local legislation. Passed November 29.

A joint memorial to the Congress of the United States, asking for the renewal of land grants made to the State of Alabama, to aid in the construction of the Elyton, Corinth and Tennessee river railroad. Referred to committee on

By Mr. GUNN—Continued —

internal improvements. Report favorable and adopted December 2.

Nov. 28. To authorize the superintendent of public instruction to correct an error in school funds due to Morgan county. Referred to committee on education. Report adverse and concurred in January 20.

To issue a patent to A. A. Hewlett, for 16th section, township 9, range 4, west, in Winston county. Referred to committee on education. Passed December 13.

Dec. 4. To authorize sheriffs to serve processes from notaries public. Referred to committee on revision of the laws.

To authorize the holding of a special term of the chancery court of the county of Morgan. Referred to committee on revision of the laws.

5. To prevent the display of weapons endangering the lives of others. Referred to committee on judiciary.

14. For the relief of Mrs. Nancy Barton, wife of William S. Barton. Referred to committee on local legislation.

16. To grant certain privileges therein mentioned, to J. W. Peck of Morgan county. Referred to committee on local legislation. Report adverse and concurred in January 30.

To prevent obstruction of the free passage of fish into and out of the waters of Flint creek, in Morgan county. Referred to committee on local legislation. Passed January 30.

1872.

Jan. 18. For tax assessing in Morgan county. Passed.

For the protection of landlords. Referred to committee on agriculture.

To regulate fees of notaries public, justices' of the peace and constables in Morgan county. Referred to committee on fees and salaries. Report adverse and concurred in January 24.

To relieve the heirs of John B. Bodry's estate of the 100 per cent. penalty on land sold by the tax collector of Morgan county. Referred to committee on local legislature.

By Mr. GUNN—Continued—

Jan. 28. To authorize the governor to issue a patent to George E. Landlin of Morgan county. Referred to committee on education.

By Mr. HAMILTON—  
1871.

Nov. 27. To repeal an act to consolidate the offices of tax collector and assessor in the county of Marion. Referred to committee on local legislation. Passed November 29.

28. Requiring justices of the peace of Marion county to act as apportioners and supervisors of public roads in their respective beats. Referred to committee on roads and public highways. Passed December 2.

Dec. 4. To prevent camp hunting in the county of Marion. Referred to committee on local legislation. Amended by committee and lost January 30. Reconsidered and passed January 31.

7. For the relief of Rachel Baccus of Marion county. Referred to committee on local legislation. Amended by committee and lost on passage January 23.

14. To prohibit the sale of liquors within three miles of the Methodist church, at Moscow, in Sanford county. Passed.

1872.

Jan. 29. To repeal "an act to suppress murder, lynching and assaults and batteries," approved December 28, 1868, so far as it relates to the county of Marion. Passed January 31.

By Mr. HARALSON—  
1871.

Dec. 1. To regulate the buying of lottery tickets in this State. Referred to committee on judiciary. Passed January 25.

Creating an additional voting precinct in the county of Dallas. Referred to committee on judiciary. Report adverse but not concurred in. Amended and ordered to a third reading January 30. Passed February 19.

To prohibit fortune telling in this State. Re-

By Mr. HARALSON—Continued.

ferred to committee on judiciary. Report adverse but not concurred in January 30. Reconsidered and passed February 19.

Dec. 1. Regulating the competency of grand and petit jurors in the county of Dallas. Laid on the table.

2. Joint resolution providing that the keeper of the capitol procure the national flag, and hoist the same on the capitol during the present session of the general assembly. Referred to a select committee.

4. To provide for the payment of juries of inquest summoned by coroners. Referred to committee on fees and salaries. Substitute reported and passed January 24.

To amend section 718 of the Revised Code. Referred to committee on judiciary. Report adverse and concurred in January 30.

7. To amend section 903 of the Revised Code. Referred to committee on judiciary.

To amend section 6 of an act to authorize the several counties and towns and cities of the State of Alabama, to subscribe to the capital stock of such railroads throughout the State as they may consider most conducive to their respective interests. Referred to committee on internal improvements. Passed as amended by committee January 20.  
1872.

Jan. 10. To prohibit the sale of lottery tickets to minors in this State. Referred to committee on ways and means. Report adverse but not concurred in, and bill passed February 6.

To repeal an act to regulate the publication of legal and other notices, approved August 12, 1868 ; and an act amendatory thereof, approved October 10, 1868, so far as the same relates to the county of Dallas. Referred to committee on public printing. Amended and passed January 24.

29. To pay fees in certain cases to the solicitor of Dallas county, out of the general fund of said

By Mr. HARALSON—Continued—

county. Referred to committee on fees and salaries. Passed February 17.

Feb. 4. To define and punish disorderly conduct. Referred to committee of judiciary.

To amend section 3 of an act to establish a criminal court for the county of Dallas. Referred to committee on judiciary.

For the relief of Martha Williams, widow of Hardy Williams, deceased. Referred to committee on accounts and claims.

By Mr. HENDERSON—

1871.

Nov. 28. (With petition). To repeal section 4 of an act to establish and incorporate a male and female academy at Rehoboth, in the county of Wilcox, approved February 9, 1853. Referred to committee on local legislation. Passed January 30.

For the relief of Mrs. Harriet C. Young of Marengo county, from the payment of excessive taxes. Referred to committee on ways and means. Report adverse and concurred in January 13.

Dec. 2. To establish an uniform court of record for the county of Wilcox, with criminal and civil jurisdiction. Referred to committee on judiciary. Passed December 15.

6. For the protection of personal property. Referred to committee on judiciary.

To authorize and empower John T. Cook, judge of probate of Wilcox county, to complete and perfect the records and minutes of the proceedings of said court, which were left incomplete by his predecessor, James H. Burdick.

Passed.

19. To allow Mrs. Elizabeth A. Preston of Wilcox county to sell a house and, lot in the town of Allenton. Passed.

1872.

Jan. 19. To regulate the fees of notaries public and justices of the peace for Wilcox county, and to provide for the payment of the same in certain



By Mr. HENDERSON—Continued—

cases. Referred to committee on fees and salaries. Passed February 20.

By Mr. HENRY—

1871.

Nov. 24. To authorize Thomas E. Blanchard, a citizen of Georgia, to qualify as executor of the estate of John Mitchell, deceased. Referred to committee on revision of laws. Passed as amended by committee January 21.

Dec. 2. To change the county boundaries of Barbour and Russell. Referred to the committee on county boundaries. Passed January 12.

4. To remove the administration of the estate of James Gordy, deceased, from the probate court of Barbour county into the probate court of Russell county. Referred to committee on local legislation. Passed January 30.

7. To incorporate the town of Seale, in the county of Russell. Referred to committee on corporations. Passed December 12.

14. To establish a city court in the county of Lee, with criminal and civil jurisdiction. Passed.

1872.

Jan. 13. To ratify and legalize an election held in the town of Seale, in the county of Russell, on the 8th of January, 1872. Passed.

Feb. 19. To establish a criminal court for the county of Russell, with criminal and civil jurisdiction. Passed.

To abolish the county court of Russell. Passed.

26. Organizing the State into seven congressional districts. Passed.

By Mr. HEWITT—

1871.

Nov. 20. To repeal an act to authorize the publication of the laws of the State of Alabama, approved October 10, 1868. Passed.

21. To repeal "An act to regulate the publication of legal and other notices in the State of Alabama," approved August 12, 1868, and an act entitled "An act to amend the same," approved October 10, 1868. Passed.

24. To repeal sections 2534, 2535 and 2536 of the Re-

By Mr. HEWITT—Continued.

vised Code. Referred to committee on revision of the laws. Passed December 2.

To amend section 2436 of the Revised Code. Referred to committee on revision of the laws.

Report adverse and concurred in December 2.

To amend section 2421 of the Revised Code. Referred to committee on revision of the laws.

To repeal section 1401 of the Revised Code. Referred to committee on revision of the laws.

Amended by the committee and passed December 12.

To exempt certain property therein named from levy and sale under execution, or other final process of any court of this State, for the collection of a debt. Referred to committee on revision of the laws. Amended and passed January 29.

To repeal sections 2880, 2881, 2882 and 2883 of the Revised Code. Referred to committee on revision of the laws.

To amend section 3931 of the Revised Code. Referred to committee on revision of the laws.

To repeal section 3932 of the Revised Code. Referred to committee on revision of the laws.

Laid on the table January 24.

To authorize William H. Wood, administrator of the estate of Richard H. Wood, deceased, to sell the land belonging to said estate at private sale. Referred to committee on local legislation, Passed December 4.

27. To repeal "An act to amend section 3160 of the Revised Code, so as to allow appeals to the supreme court," approved August 12, 1863. Referred to committee on revision of the laws. Passed January 25.

To repeal an act to amend section 2351 of the Revised Code approved March 2, 1870. Referred to committee on revision of the laws.

28. To repeal "An act to amend sections 4377 and 4390 of the Revised Code," approved October 10, 1868. Referred to committee on revision of the laws. Passed.

To amend sections 9 and 11 of an act to establish a criminal court for the county of Dallas, approved February 23, 1870. Referred to committee on revision of the laws. Passed Janu-

By Mr. HEWITT—Continued—

ary 24. Reconsidered and the bill indefinitely postponed January 29.

- Dec. 1. To confer additional powers upon the mayor and council of the town of Elyton. Referred to the committee on corporations. Passed Jan'y 19.  
 To fix the salaries of certain officers therein named. Referred to committee on revision of the laws.  
 To amend section 4340 of the Revised Code. Referred to committee on revision of the laws.  
 In relation to the public printing. Referred to committee on public printing. Passed December 19.

To regulate and fix the per diem and mileage of the members of the general assembly. Laid on the table.

Joint resolutions proposing certain amendments to the State constitution. Ordered to be printed. Referred to select committee December 7. Substitute reported December 13. Amended and passed January 19. Reconsidered January 20.

2. To authorize a suit against the State in a certain case. Laid on the table.

7. To prohibit the sale or giving away of spirituous liquors within two miles of Valley Springs, in Blount county, and the Chewacla lime company, in Lee county. Passed.

9. To repeal section 60 of the Revised Code. Referred to committee on revision of the laws.

9. To amend section 675 of the Revised Code. Referred to committee on revision of laws.

12. To enable any elector to contest the election of certain officers therein mentioned. Referred to select committee.

1872.

Jan. 12. To amend an act to establish a charter for the town of Elyton, in the county of Jefferson. Referred to committee on corporations. Passed February 1.

16. Petition of citizens of Walker county, asking a change in the county line between the counties of Jefferson and Walker. Referred to select committee.

25. To prevent the stoppage of railroad trains in this State. Referred to select committee.

26. To authorize William A. Walker, as admuistra-

By Mr. HEWITT—Continued—

tor of the estate of Richard H. Walker, deceased, to sell the lands of said estate, and the dower interest of Mary M. Walker, widow of said decedent, at private or public sale, without an order of court. Passed.

To authorize John C. Morrow, probate judge of Jefferson county, to take jurisdiction over the estate of Richard H. Walker, deceased, late of said county of Jefferson. Passed.

To authorize Mrs. Jane Hamilton of Sanford county, to sell certain land therein mentioned. Passed.

To repeal all special and local acts in relation to the publication of legal and other notices, so far as they relate to the county of Jefferson. Passed.

To amend an act to vest in the Tennessee and Alabama Central railroad company certain lands granted by Congress in trust to the State of Alabama, to aid in the construction of the Tennessee and Alabama Central railroad. Referred to the committee on internal improvements. Passed February 19.

To amend "an act to incorporate the city of Birmingham, in the county of Jefferson, approved December 19, 1871." Referred to committee on corporations.

Supplemental to "an act to incorporate the city of Birmingham, in the county of Jefferson," and to extend the powers of the mayor and aldermen of said corporations. Referred to committee on corporations,

To authorize the Governor to issue a patent for section 16, township 16, range 7, to William H. Snow, upon certain conditions therein expressed. Referred to the committee on education. Passed February 14.

To repeal "an act to suppress murder, lynching and assaults and batteries," approved December 28, 1868, so far as the same relates to the county of Jefferson. Ordered to a third reading.

By Mr. HEWITT—Continued—

Feb. 1. Joint resolution for adjournment sine die, on the 8th of February. Indefinitely postponed.

4. To prescribe the time when the criminal docket shall be taken up in the counties of Walker, Fayette, Marion, Sanford and Winston. Passed.

By Mr. HITCHCOCK—

1871.

Nov 29. (With petition). To prohibit the sale of spirituous liquors within  $3\frac{1}{2}$  miles of Syllacauga, in Talladega county. Referred to committee on local legislation. (Mr. Bradford presented an adverse petition.) Passed January 30.

Dec. 7. To provide for the freedman's hospital, located near the city of Talladega. Referred to committee on public buildings and institutions.

By Mr. HODO—

1871.

Nov. 24. To prevent the removal of mortgaged property. Referred to committee on the judiciary.

To fix the time of holding the circuit courts in the 7th judicial circuit. Referred to select committee.

To repeal an act to fix the time of holding the circuit courts in the 7th judicial circuit. Referred to select committee.

To repeal an act changing the time of holding the circuit courts in Sumter and Choctaw counties. Referred to select committee.

27. To amend subdivision 7, of section 112, of an act, to establish revenue laws for the State of Alabama, approved, December 31, 1868. Referred to committee on ways and means. Passed December 8.

To amend section 2882 of the Revised Code.

Referred the judiciary committee.

To amend section 2998 of the Revised Code.

Referred to committee on revision of the laws.

Passed as amended by committee, January 24.

28. To incorporate the town of Carrollton, in the

By Mr. HODO—Continued—

county of Pickens. Referred to the committee on corporations. Passed January 19.

Dec. 4. To authorize the court of county commissioners of Pickens county to issue bonds for county purposes. Referred to committee on ways and means. Passed December 8.

6. To authorize the court of county commissioners of Pickens county to levy a special tax. Referred to committee on ways on ways and means. Passed December 8.

For the relief of Gr. W. Mustin, late tax collector of Pickens county. Referred to ways and means committee. Passed December 8.

1872.

Jan. 18. To authorize guardians to compromise debts of a had or doubtful character. Referred to judiciary committee. Report adverse, and concurred in January 30.

By Mr. HOLMES, of Baldwin—

1871.

Dec. 1. To fix the time of holding the circuit court of Baldwin county. Referred to the judiciary committee. Passed January 25.

To authorize the commissioners court of Baldwin county to levy a tax for the year 1871. Referred to committee on local legislation. Passed 19.

1872.

Jan. 19. To repeal an act to form a new county to be called Escambia county, approved December 10, 1868. Referred to the committee on the judiciary.

By Mr. HOLMES of Sumter—

1872.

Nov. 28. To amend an act contained in section 3688, of the Revised Code, to protect children under 12 years of age from decoy or seizure. Referred to committee on revision of the laws. Passed January 24.

6. For the relief of county superintendents of education. Laid on the table.

By Mr. HOLMES of Sumter—Continued—

To provide for the collection of a tax on dogs.

Laid on the table.

14. To repeal "an act to regulate the publication of legal and other notices in the State of Alabama," approved August 12, 1868 ; and also to amend said act, approved October 10, 1868, so far as they relate to certain counties. Passed. 1872.

Jan. 19. To relieve James E. Knott, guardian of Elmira E. Knott and William C. Knott, deceased, minors, of Sumter county, from making annual settlements of his guardianship in the probate court for three years. Referred to committee on local legislation. Passed January 30.

By Mr. HOWELL—

1871.

Nov. 21. To require county superintendents of free public schools in this State to keep the public funds of each township separate and distinct. Referred to committee on education. Passed November 27.

22. To empower Mrs. Caroline Durrah, of Cleburne county, to sell certain lands. Referred to committee on local legislation. Passed November 29.

Dec. 1. To restrict the amount which may be allowed the county officers of Cleburne county. Referred to committee on fees and salaries.

1872.

Feb. 2. To repeal "an act to suppress murder, lynching and assaults and batteries," approved December 28, 1868, so far as relates to the counties of Cleburne, Fayette, Sanford and Lawrence. Passed.

19. To prohibit the sale of liquors within one mile of Spring Creek camp ground in Cherokee county. Amended and passed.

By Mr. HUBBARD—

1871

Nov. 24. To confer upon married women under twenty-one years of age the same rights and obligations in

By Mr. HUBBARD—Continued—

law and equity as is possessed by married women over twenty-one years of age. Referred to committee on the judiciary. Passed December 7.

To empower Christopher Tompkins and Melissa A. Fitzpatrick to sell certain land. Referred to committee on the judiciary. Report adverse and concurred in January 30.

For the relief of W. P. Bruce. Referred to committee on ways and means. Report adverse and concurred in November 29.

To remove the guardianship of Bird and James Fitzpatrick to Bullock county. Referred to committee on local legislation. Amended and passed November 29.

To issue a patent to lands therein described to Daniel Carlisle. Referred to committee on education. Passed January 20.

To amend section 6 of an act to incorporate the Baptist female institute at Moulton. Passed.

To make James H. Crowder a citizen of Pike county by changing the boundary line between Pike and Bullock counties. Referred to committee on counties and county boundaries. Passed December 4.

1871.

Dec. 6. To prescribe the rule of practice with reference to unstamped instruments. Referred to committee on the judiciary. Report adverse and concurred in January 20.

To authorize the garnishment of a judgment creditor, and to prescribe the effect thereof. Referred to committee on the judiciary. Report adverse and concurred in January 30.

To prohibit the sale of liquors within three miles of the academy, Baptist and Methodist churches at Holicon. Referred to committee on local legislation. Passed January 30.

To require the corporate authorities of Troy to make and publish a statement of the amounts collected and paid out by their authority. Re-



By Mr. HUBBARD—Continued—

ferred to committee on local legislation. Passed January 30.

To authorize W. R. Hood, administrator de bonis non of W. F. Faulkner, to sell the land of the estate without an order of court. Referred to

the committee on local legislation. Passed January 30.

To put in force certain provisions of the Revised Code relating to the publication of legal and other notices. Passed.

For the payment of certain claims out of the general county fund. Passed.

To repeal a certain portion of an act therein named. Referred to the committee on local legislation. Laid on the table January 30.

To authorize the removal of fences, after re-surveys show them to be on the land of others.

Referred to committee on the judiciary.

To prescribe the manner of introducing a party to a suit as a witness. Referred to committee on the judiciary.

Declaring E. T. Varner, R. R. Varner and L. V. Alexander liners. Referred to committee on counties and county boundaries. Passed Jan-

uary 24. Reconsidered and bill laid on the table January 19.

To repeal section 2910 of the Revised Code. Referred to committee on the judiciary.

1872.

Jan. 29. To incorporate the town of Spring Hill, in the county of Pike. Passed,

Feb. 26. To authorize the commissioners court of Pike county to levy a tax to pay bridge claims, if in their opinion it is necessary. Passed.

By Mr. HURT—

1872.

Nov. 24. To secure success to the railroads in this State.

Referred to the committee on ways and means.

Report adverse and concurred in January 13.

Dec. 1. To repeal "an act to amend an act to establish revenue laws for the State of Alabama, " ap-

By Mr. HURT—Continued—

proved February 9, 1870. Referred to committee on revision of the laws.

5. To repeal " an act to change and establish the line between the counties of Jackson and De Kalb," approved March 3, 1870. Passed January 24.

14. To allow parties making publication in newspapers, as required by law, to publish in any paper such party may designate, so far as applies to the county of Jackson. Passed.

To repeal section 73 of the Revised Code. Referred to committee on revision of the laws.

Passed January 25.

1872.

Feb. 4. For the relief of Thomas Wilson, in the county of Jackson. Referred to committee on local legislation.

19. For the relief of the poor of Jackson county. Passed.

By Mr. JOHNSON of Coosa—

1871.

Nov. 25. To abolish the county court for Coosa county.

Referred to committee on judiciary.

To repeal subdivision 11 of section 112 of the revenue laws of Alabama. Referred to committee on ways and means. Report adverse and concurred in January 13.

To repeal subdivision 18 of section 112 of the revenue laws of Alabama. Referred to committee on ways and means. Report adverse and concurred in January 13.

Dec. 5. To reduce and fix the per diem and mileage of the members of the general assembly. Ordered to second reading. Laid on the table January 22.

14. (With petition.) To authorize Williamson Spears, of the county of Coosa, to peddle without license Passed as amended by committee January 13.

1871.

Jan. 15. Joint resolution to amend the constitution. Referred to select joint committee.

By Mr. JOHNSON of Coosa—Continued—

Feb. 2. To provide an additional term of the chancery court in the first district of the middle chancery division, composed of the county of Coosa. Passed.

For the relief of James Vansandt, of Coosa county. Passed.

By Mr. JOHNSON of Dallas—  
1871.

Nov. 25. To repeal an act to amend the charter of the city of Selma, approved December 4, 1868. Referred to committee on privileges and elections.

Dec. 1. To provide for the payment of witnesses in State cases. Referred to committee on judiciary. Report adverse and concurred in January 30.

9. To regulate the rates and toll of public ferries in this State. Referred to committee on public roads and highways. Report adverse and concurred in January 24.

1872.

Jan. 15. To amend section 3598 of the Revised Code. Laid on the table.

Feb. 2. To amend section 7 of an act to establish a new charter for the city of Selma. Referred to committee on corporations.

By Mr. KENNEDY—  
1871.

Dec. 14. (With petition). To amend an act to incorporate Hale and Murdock Iron Works, in Fayette county. Passed.

By Mr. KING—  
1871.

Nov. 27. To authorize and empower John Quinn of Muscogee county, Georgia, to administer upon the estate of James Torrey, in Russell county. Referred to committee on local legislation. Passed January 30.

Dec. 2. To incorporate the town of Girard, in Russell county. Referred to committee on corporations. Passed January 19. Reconsidered and laid on the table January 20.

By Mr. KING—Continued--

4. To amend the first paragraph of section 3101 of the revised Code. Referred to committee on revision of the laws.

14. To prohibit the sale of liquors within one mile of the railroad depot at Hurtville, in the county of Russell. Passed.

16. To authorize Theophilus S. and George H. Fontaine, or either of them, (citizens of Georgia) to qualify as executors of the estate of B. B. Fontaine. Referred to committee on local legislation. Passed January 30.

By Mr. KNOX—

1871.

Nov. 27. To repeal an act to amend an act to establish a criminal court for the county of Montgomery, with civil jurisdiction. Referred to committee on judiciary. Report adverse and concurred in December 7.

Dec. 4. For the benefit of the fire companies of the city of Montgomery. Referred to committee on ways and means. Report adverse and concurred in December 8.

5. To amend section 774 of the Revised Code. Referred to committee on revision of the laws,

6. To amend section 1361 of the Revised Code. Referred to committee on judiciary.

1872.

Jan. 12. To regulate the publication of legal notices in the county of Montgomery. Passed.

To prevent the selling of liquors within four miles of Bethsaida and Hopewell churches in Montgomery county. Referred to committee on local legislation. Passed January 30.

18. To provide for and regulate appeals in cases of contempt of court. Referred to committee on judiciary. Report adverse and concurred in January 30.

Jan. 18. To amend an act to establish a criminal court for the county of Montgomery, with civil jurisdiction. Referred to committee on judiciary.

19. To repeal sections 3620, 3621, 3622, 3623, 3625 and 3626 of the Revised Code.

By Mr. LEATH—

1871.

Nov. 21. To prohibit the sale of spirituous liquors within one mile of Salem church in Cherokee county.

Referred to committee on corporations. Passed

November 28.

To prohibit the sale of spirituous liquors, and to prohibit the taking of pictures within one mile of Spring Creek Camp Ground, in Cherokee county. Referred to committee on local legislation. Laid on the table February 19.

To relieve Washington C. Stiff of Cherokee county from the disabilities of non-age. Amended and indefinitely postponed.

25. To amend section 3 of an act to incorporate the town of Gadsden, in Etowah county, approved March 2, 1871. Referred to committee on corporations. Passed January 19.

28. For the relief of the sureties of Lafayette M. Stiff, late receiver of public moneys at the land office, at Centre, Alabama. Referred to committee on ways and means. Report adverse and laid on the table January 13. Taken from table, report not concurred in and bill tabled January 16.

Dec. 9. To repeal an act to provide for the payment of the interest due and unpaid upon the valid claims against the State of Alabama, on account of the failure of the Alabama and Chattanooga railroad to pay said interest. Referred to a select committee.

12. To authorize parties interested to publish all notices required by law in any newspaper such party may designate, so far as relates to Cherokee and Limestone counties. Amended and passed.

1872.

Jan. 15. To declare the Coosa river a lawful fence within the limits of Cherokee county. Referred to committee on agriculture.

29. To prohibit the sale of liquors within two miles of Cedar Hill church, in Cherokee county. Passed.

Feb. 14. Reported a bill for the relief of the laborers and

By Mr. LEATH—Continued—  
 track hands of the Alabama and Chattanooga  
 railroad. Referred to a select committee.  
 Passed February 22.

By Mr. LEWIS—  
 1871.

Nov. 21. To repeal an act to prevent muder, lynching and  
 assaults and batteries. Referred to committee  
 on judiciary. Passed December 6.

22. To authorize the commissioners court of Shelby  
 county to levy a special tax from year to year  
 to pay off the present indebtedness of said  
 county. Passed.

To repeal an act to amend an act to establish  
 revenue laws for the State of Alabama. Re-  
 ferred to committee on ways and means.

To repeal article I, title 2, part 1 of the Revised  
 Code. Referred to committee on agriculture.

To repeal an act to authorize the several counties,  
 towns and cities of the State of Alabama to  
 subscribe to the capital stock of such railroads  
 throughout the State as they consider most  
 conducive to their respective interests. Ordered  
 to second reading. Passed December 4.

25. For the relief of the Board of Regents. Passed.

29. To repeal chapter 7, of title 2, of part 4 of the  
 Revised Code. Referred to the committee on  
 judiciary. Passed December 7.

Nov. 29. To amend section 2678 of the Revised Code.  
 Referred to committee on revision of the laws.  
 Laid on the table January 24.

Dec. 1. To compensate L. F. Elliott, late jailer of Shelby  
 county, for feeding certain prisoners. Referred  
 to committee on local legislation. Passed Jan-  
 uary 30.

14. To authorize Amos M. Elliott, administrator de  
 bonis non of the estate of James Cobb, deceased,  
 late of Shelby county, to sell the lands of said  
 estate, Passed.

15. Joint resolution proposing a recess from 21st De-  
 cember until 10th of January, without mileage.  
 Laid on the table.

By Mr. LEWIS—Continued-  
1872.

Jan. 12. To establish a new charter for the town of Montevallo, Shelby county. Referred to committee on corporations. Passed January 19.

19. To authorize Missouri Huyett, widow of D. H. Huyett, deceased, to sell the property belonging to said decedent at the time of his death. Passed.

To amend an act entitled "an act to amend an act incorporating the Montgomery and Pickett Springs gravel road company." Passed.

Feb. 13. To incorporate the town of Calera, in Shelby county. Passed.

To amend an act to incorporate the town of Columbiana, in Shelby county." Passed.

By Mr. LINDSAY—  
1871.

Dec. 7. To authorize the commissioners court of Monroe county to levy a special tax. Referred to committee on ways and means. Passed Jan. 13.

12. For the relief of John Kerley of Monroe county. Referred to committee on accounts and claims,

1872.

Jan. 18. For the relief to William L. Mims of Monroe county. Referred to committee on revision of the laws. Passed February 19.

By Mr. LOWE—  
1871.

Nov. 24. To establish the city court of Huntsville. Amended and referred to committee on the judiciary.

Report adverse and concurred in December 19.

To authorize and regulate appeals in certain cases.

Referred to committee on revision of the laws.

27. To remove the administration of the estate of George O. Ragland from Franklin county to Madison county. Referred to committee on the judiciary. Passed January 25.

To regulate the right of challenge at elections in this State. Referred to committee on privileges and elections. Report adverse and concurred in February 20.

By Mr. LOWE—Continued—

28. For the payment of certain legal services rendered the State in the suits of the State versus the Alabama and Chattanooga Railroad Company. Lost December 1.

Dec. 2. For the benefit of the fire companies of the cities of Huntsville and Demopolis. Referred to committee on ways and means. Report adverse but not concurred in, and bill lost on passage December 8.

5. To authorize the Memphis and Charleston Railroad Company to issue bonds secured by mortgage, for the construction of branch railroads and for other lawful purposes. Passed.

7. To encourage investments of money within this State by life insurance companies of other or foreign States. Referred to committee on ways and means.

13. To repeal an act to regulate the publication of legal and other notices in the State of Alabama, and the several amendments thereto, so far as the same relates to such publications within the county of Madison. Passed.  
To regulate the courts of the northern chancery division, so as to allow cases to be submitted for final hearing in vacation. Referred to committee on Judiciary. Passed January 25.

16. A memorial from the citizens of Madison county in regard to the opening of a certain public road in the county of Madison. Referred to committee on judiciary.

1872.

Jan. 12. To authorize proceedings in courts of probate against unknown heirs of deceased persons. Referred to committee on judiciary. Passed January 27.

To amend sections 1756 and 1757 of the Revised Code. Passed.

To authorize the executor of Mary Wall, deceased, to sell certain lands at private sale. Passed.

Jan. 12. Joint memorial to congress in relation to refunding the tax collected on cotton during the years 1865, 1866 and 1867. Adopted.

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By Mr. LOWE—Continued.

Jan. 17. To relieve James A. Wade, foreign executor of the estate of H. Wade, deceased, from the requirements of section 2293 of the Revised Code, and to authorize him as said executor to sue and recover in a certain case pending in the chancery court at Abbeville, Alabama, the same as if it were a suit in his own right. Passed.

To require the rendition of decrees of the court of chancery in term time. Referred to committee on judiciary. Passed January 27.

To authorize appeals from certain decrees of the court of chancery. Referred to committee on judiciary. Passed January 27.

To amend section 2721 of the Revised Code. Referred to committee on judiciary. Passed as amended by committee January 27.

To amend section 2704 of the Revised Code. Referred to committee on judiciary.

To expedite the trial of causes in the chancery courts of this State. Referred to committee on the judiciary. Report adverse and concurred in January 30.

17. Joint resolution on the publication of the laws—Amended and adopted.

29. To punish the violation of certain contracts. Referred to committee on the Judiciary.

To allow defendants to move to dismiss a bill in chancery. Referred to committee on the judiciary.

To authorize appeals in certain cases from courts of county commissioners. Referred to committee on the judiciary.

To repeal an act to establish the criminal court for the county of Dallas, approved February 23, 1874 ; and an act amendatory of said act, approved March 9, 1871 ; and to transfer all the cases pending in said court, both civil and criminal, together with all the dockets, papers and books of said court, to the circuit court of Dallas county. Ordered to second reading.

30. Reported a bill to regulate elections in this State. Ordered printed.

By Mr. LOWE—Continued—

Feb. 4. To authorize Ann Eliza M. James, wife of Archer Bowling James of Madison county, to mortgage her separate estate in said county for the purpose of borrowing money. Passed.

To authorize the Memphis and Charleston Railroad Company to issue additional bonds, to be known as consolidated bonds, and to be secured by mortgage upon the property of said company. Passed February 6.

12. To provide for the reduction of the liabilities of the State of Alabama, by the substitution of State bonds to the amount of \$4,000 per mile, in lieu of the State endorsement heretofore authorized of the bonds of various railroad companies entitled thereto. Amended and referred to committee on internal improvements.

13. Joint resolutions memorializing the President of the United States in behalf of the farming interests of Alabama. Adopted.

By Mr. LUMPKIN—  
1871.

Nov. 21. To repeal "an act to authorize the court of county commissioners of the county of Chambers to borrow money and provide the means of repaying the same," approved December 7, 1866. Passed.

To repeal "an act to give the commissioners court of the county of Chambers full and complete control over the funds of said county. Passed.

25. Requiring the justices of the peace of Chambers county to act as apportioners and supervisors of the public roads in their respective beats. Referred to committee on roads and public highways. Amended by committee and passed November 29.

Dec. 7. To repeal an act to change the county line between the counties of Chambers and Lee. Referred to committee on counties and county boundaries.

To repeal an act to declare James M. Garwood, a liner between the counties of Chambers and Lee, a citizen of Lee county. Referred to select committee.

By Mr. LUMPKIN—Continued—  
1872.

Jan. 10. To make valid the record of conveyances which were recorded between the 11th day of January, 1861, and the 21st September, 1865. Referred to committee on the judiciary. Passed January 27.

By Mr. McCALL—  
1871.

Nov. 21. To authorize the probate court of Bullock county to take jurisdiction of the estate of M. A. Baldwin, deceased, late of Montgomery county. Passed.

To prevent the stealing of agricultural products. Referred to committee on the judiciary. Substitute reported and laid on the table December 7.

To prohibit the unlawful injury of animals. Referred to committee on the judiciary. Passed November 28.

To prohibit the sale, exchange, or removal from the county wherein it is, any property on which there is a mortgage or lien of any kind, without the written consent of the holder of such mortgage or lien. Referred to judiciary committee. Report adverse and concurred in January 30.

Dec. 9. To authorize Isaac M. Johnson, guardian of John A. Lowe and William A. Lowe, to sell the lands belonging to his said wards without making application, proof, and obtaining an order of sale. Referred to committee on revision of the laws. Passed January 25.

12. To establish a criminal court for the county of Bullock, with civil and criminal jurisdiction. Referred to select committee. Passed December 14.

To abolish the criminal court of Bullock county. Referred to select committee. Passed December 14.

14. To change the line between the counties of Bullock and Barbour. Passed.

To change the boundary line between the coun-

By Mr. McCALL—Continued—

ties of Bullock and Russell. Referred to committee on counties and county boundaries. 1872.

Jan. 10. To incorporate the J. H. Clanton hook and ladder company No. 1, of Union Springs. Passed.

19. To amend an act to amend section 1 of an act to incorporate the town of Midway, in Bullock county. Referred to committee on corporations.

Feb. 26. To repeal an act to fix the time and place of holding the chancery court in the district composed of the counties of Barbour, Henry and Dale, of the eastern chancery division, approved February 19, 1872.

By Mr. McCASKEY—

1871.

Dec. 14. For the relief of laborers. Referred to committee on revision of the laws.

1872.

Jan. 19. To require railroads to publish the time of trains arriving at and leaving depots of the road.

Referred to committee on internal improvements.

By Mr. McDERMOTT—

1871.

Dec. 7. To incorporate the town of Whistler, in Mobile county. Referred to committee on corporations.

14. For the relief of maimed officers and soldiers who belonged to military organizations and served in the armies of this State during the war. Referred to committee on finance. Passed December 19.

16. To authorize Michael J. Brennan and Charles Cavorac, citizens of New Orleans, La., to qualify in the city of Mobile as co executors of the last will and testament of D. O. Grady, deceased. Passed.

By Mr. MANCILL—

1871.

Nov. 25. To abolish the county criminal court of Covington county. Referred to judiciary committee.

Dec. 5. To repeal sections 3934, 3935, 3936, 3937, 3938 and 3939 of the Revised Code, so far as they relate to the counties of Covington, Marengo, Marshall and Conecuh. Passed.

14. To regulate the collection and paying out of the taxes of Covington county. Passed.

1872.

Jan. 26. To prohibit the selling of liquors within two miles of Fairmount church and the Adkinson school, in the county of Covington. Passed.

By Mr. MARLOWE—

1871.

Nov. 28. To ratify a certain sale in Dallas county. Referred to committee on the judiciary. Passed December 7. Reconsidered and bill lost January 27.

To prohibit the sale of spirituous liquors within one mile of Shady Grove Baptist church in the county of Lee. Referred to committee on local legislation. Passed February 19.

(With a petition). To amend the charter of the Gas Light company of Selma, approved February 18, 1854. Referred to committee on corporations. Report adverse, which, with bill, laid on the table February 1.

Dec. 5. To change the boundary lines between the counties of Hale, Marengo and Perry. Referred to committee on county boundaries. Laid on the table January 24.

6. For the relief of Elizabeth Tipton of Dallas county. Referred committee on the judiciary.

14. To amend an act to incorporate the Rock and Lignite Oil company of Alabama. Referred to committee on corporations. Passed as amended by committee February 1.

1872.

Jan. 10. To incorporate Stonewall Institute, Dallas county. Laid on the table.

15. To establish additional revenue laws for the State

By Mr. MARLOWE—Continued—

of Alabama. Referred to ways and means.

Passed as amended by committee February 3.

Jan. 15. To prohibit the sale of spirituous liquors within three miles of Stonewall Institute, in the county of Dallas. Referred to committee on local legislation. Passed January 30.

To amend an act to revive and amend an act to incorporate the Alabina Mining and Manufacturing company. Referred to committee on corporations.

Feb. 2. To encourage industrial and agricultural fairs and associations. Referred to committee on ways and means.

To provide copies of the journals of the two houses and the laws of the present session for the public printer. Referred to committee on ways and means.

To appropriate six hundred dollars for the distribution of the acts and journals of the general assembly. Referred to committee on ways and means.

Feb. 2. For the relief of the Central agricultural and mechanical association. Amended and referred to committee on ways and means.

To exempt certain persons from service as jurors. Referred to the committee on the judiciary.

In relation to the duties of notaries public. Referred to committee on the judiciary.

For the protection of fruit. Referred to the judiciary committee.

4. To restrain diseased animals from running at large. Referred to committee on agriculture.

By Mr. MOORE—

1871.

Nov. 22. To amend an act to restrain the powers of the commissioners court of Coffee county. Passed.

28. For the relief of fruit distillers. Referred to committee on ways and means. Report adverse, and concurred in December 8.

Dec. 1. Joint resolution, providing that the Governor be requested to extend to His Excellency, the

By Mr. MOORE—Continued—

Duke Alexis of Russia, an invitation to visit the State of Alabama. Lost.

Dec. 4. For delinquent taxpayers anterior to 1871. Referred to committee on ways and means. Report adverse, and concurred in December 8.

To appropriate ten thousand dollars to Mrs. Jas. H. Clanton, for services rendered the State by James H. Clanton, deceased, in the matter of the Alabama and Chattanooga railroad. Referred to committee on Finance. Report adverse, and concurred in January 20.

To provide for locating the agricultural and mechanical college. Laid on the table. Referred to select committee.

For the relief William McCrary of Hale county, and John Jones, of Geneva county. Passed.

9. To authorize Eliza C. Bradley, of Coffee county, to sell certain lands in Coffee county. Passed.

1872.

Jan. 18. To accommodate the voters in the elections for members of the commissioners court of Coffee county. Referred to committee on local legislation. Passed January 30.

30. To make notaries public apportioners of work hands on roads in certain cases. Referred to committee on roads and public highways. Substitute reported, but bill lost on passage January 24.

To protect minors. Referred to judiciary committee.

For the relief of Adaline Armour, of Coffee county, and others. Referred to committee on local legislation. Indefinitely postponed January 30.

To amend an act changing the name of Laura Terry, of Geneva county. Referred to committee on local legislation. Passed January 30.

For the benefit of A. J. Cole, of Coffee county. Referred to military committee. Indefinitely postponed January 24.

To raise revenue for the State. Referred to committee on ways and means. Passed as amended by committee February 1.

By Mr. MOORE—Continued—

Jan. 10. Mandatory on the court of county commissioners.

Referred, with instructions, to committee on ways and means. Report adverse, and concurred in February 6.

15. To authorize John E. Bishop, guardian of W. F. Pool and Nancy E. Pool, to sell lands at private sale. Referred to select committee. Passed January 17.

To authorize the levy and collection of a general tax in Coffee county. Passed.

To secure Alabama full representation in the event of increase in the number of representatives in the Congress of the United States. Referred to committee on privileges and elections.

22. For the relief of Eliza Roach, Elizabeth Scott and Parmelia Lizenberry, of the county of Henry. Referred to committee on local legislation.

Feb. 2. For the relief of Lavinia Miller, of Coffee county. Ordered to a third reading. Passed February 16.

To fix the distance for which mileage shall be allowed for Geneva county. Ordered to third reading. Passed February 16.

For the relief of certain teachers of Coffee county. Referred to committee on ways and means.

To regulate the finances of the State. Referred to the committee on ways and means.

To aid in preserving the purity of the ballot box. Referred to committee on public roads and highways.

For the relief of Malissa A. Smith, of Montgomery county. Referred to committee on local legislation.

14. Reported a bill to remove the disabilities of non-age from certain persons therein named. Amended and indefinitely postponed.

Reported bill to make certain married women free dealers. Indefinitely postponed.



By Mr. MOORING—  
1872.

Jan. 20. To relieve Miss Anna E. Millhouse, of Dallas county, of the disabilities of non-age. Passed.

By Mr. MURRAH—  
1871.

Nov. 24. To amend section 4 of an act to incorporate the town of Pickensville. Referred to committee on corporations. Passed December 1.

Dec. 4. For the relief of Ann Eliza Shelton, of Montgomery county. Referred to committee on local legislation.

12. To exempt the Columbus, Fayette and Decatur railroad from taxation. Referred to committee on ways and means. Passed February 19.

Joint memorial to Congress, asking for a grant of public lands to the Columbus, Fayette and Decatur railroad. Adopted.

1872.

Jan. 18. To prohibit the sale of liquors within one mile of Pine Grove academy. Passed.

To amend section 3555 of the Revised Code. Referred to committee on revision of laws.

To suppress drunkenness in public places. Referred to committee on the judiciary.

To relieve all railroad companies of this State of the 10 per cent. penalty on taxes assessed against them during the years 1870 and 1871. Ordered to a second reading. Referred to committee on ways and means, January 22.

To limit the sale of vinous, spirituous or malt liquors in the State of Alabama. Referred to select committee.

By Mr. NININGER—  
1871.

Dec. 14. To amend section 1350 of the Revised Code. Referred to committee on the judiciary.

1872.

Jan. 17. To refund to William B. Gilmer, jr., a reward paid by him to apprehend a fugitive from justice. Referred to committee on accounts and claims.

By Mr. NININGER—Continued—

- Jan. 26. To establish public pounds in the county of Lowndes. Indefinitely postponed.
- Feb. 4. To prohibit the sale of liquors within one mile and a half of the male and female academy of Sandy Ridge, Lowndes county. Passed.

By Mr. OATES—  
1871.

- Nov. 21. To amend sections 1827 and 1831 of the Revised Code. Referred to committee on judiciary.
- To amend sections 3514, 3515, 3517, 3518 of the Revised Code. Referred to committee on the judiciary. Passed January 25.
- To re-organize the eighth judicial circuit of Alabama, and to create a new judicial circuit to be known and designated as the 13th judicial circuit. Referred to a select committee. Ordered to a third reading February 4.
- 22. To define and punish seduction. Referred to the committee on judiciary. Report favorable but bill indefinitely postponed December 7.
- In relation to agricultural laborers. Read twice forthwith. Laid on the table and printed November 24. Bill amended and tabled November 28.
- 24. To define the operation of the exemption laws of Alabama. Referred to committee on judiciary, Passed December 7.
- To authorize judges of probate to change the names of persons applying therefor. Referred to committee on revision of the laws. Passed January 24.
- 27. To amend sections 3706 and 3707 of the Revised Code. Referred to committee on judiciary. Report adverse and concurred in January 30.
- To amend section 3605 of the Revised Code. Referred to judiciary committee. Passed December 7.
- To provide for the payment of sheriffs out of the county treasury for feeding State prisoners. Referred to committee on the judiciary.
- 28. To allow defendants on their trial in criminal cases to make a statement to the jury under

By Mr. OATES—Continued—

oath. Referred to committee on the judiciary.

Report adverse and concurred in January 30.

Nov. 28. Memorial from the citizens of West Florida in regard to annexation. Referred to a select committee.

To authorize and require the mayor and council of the town of Union Springs to levy and collect a tax to pay the bonds issued by the corporate authorities of said town. Referred to committee on ways and means. Passed December 8.

Joint resolutions allowing the people of the State to vote for or against a convention of the State of Alabama. Laid on the table and printed.

29. Reported a bill to establish revenue laws for the State of Alabama. Made special order and printed. Lost on final passage January 32.

Dec. 1. For the relief of the resident physicians of the State of Alabama. Referred to committee on judiciary. Substitute reported but not adopted and the bill indefinitely postponed January 30.

For the relief of J. B. Johns of Montgomery. Referred to committee on accounts and claims. Passed December 15.

7. To better secure the payment of rents of lands in this State. Referred to committee on the judiciary. Ordered to a third reading January 30. Passed February 19.

(With petition.) To authorize and require the commissioners court of Montgomery county to establish a public pound in township 14, range 20, and south half of township 14, range 20, in Montgomery county. Ordered to a second reading. Referred to committee on agriculture January 22.

9. To repeal an act for the government of the bureau of industrial resources, approved August 12, 1868. Passed.

To provide for collecting the interest on bonds subscribed by counties, cities and towns, in aid of internal improvements. Referred to judiciary committee. Indefinitely postponed January 27.

By Mr. OATES—Continued—

Dec. 14. To aid the construction of a railroad from Decatur, in Morgan county in this State, to Aberdeen, in the State of Mississippi. Referred to the committee on internal improvements.

18. Joint resolution to pay witnesses, clerk and sergeant-at-arms for House committee to inquire into the official misconduct of Hon. John Elliott, judge of the 6th judicial circuit.

1872.

Jan. 10. To incorporate the town of Gordon, in Henry county. Referred to committee on corporations. Passed January 19.

To regulate the assessing and collecting or the poll tax in the State of Alabama. Referred to committee on ways and means.

For the relief of Mrs. Jeremirah J. Dumas of Russell county. Referred to committee on accounts and claims.

15. To restrain the tax collector of Barbour county from collecting excessive tax from William P., John C., and Henry C. Copeland, for the year 1871. Referred to committee on ways and means. Passed February 19.

To amend section 3046 of the Revised Code. Referred to committee on revision of the laws. Passed January 25.

To allow actions for the recovery of damages for injuries to the person to be revived in the name of the personal representative of the deceased plaintiff. Referred to committee on judiciary. Passed January 27.

To authorize and empower Daniel McClellan to convey by deed to Charles A. Ingram, certain lands in the county of Henry. Referred to the judiciary committee. Passed January 27.

To validify a sale of certain lands in Henry county. Referred to committee on the judiciary. Passed January 27.

To repeal an act usually known as the search warrant law, approved October 10, 1868. Referred to the committee on judiciary. Passed January 27.

To authorize the issuance of possessory warrants

By Mr. OATES—Continued—

in certain cases. Referred to the committee on judiciary. Passed January 27.

Jan. 15. To define the meaning of words and terms used in the acts of the general assembly, passed at the sessions of 1868, 1869, 1870, 1871 and 1872, and hereafter to be passed. Passed.

Joint resolution on dividing the State into seven (7) congressional districts. Laid on the table January 19. Taken from table and adopted February 8.

To require the indorsement by the State of Alabama of the first mortgage bonds of Eufaula, Abbeville and Gulf railroad company. Referred to committee on internal improvements. Indefinitely postponed February 8.

19. Reported a bill to confer upon the chancery courts of the State of Alabama, jurisdiction and authority to relieve minors of the disabilities of non-age. Ordered to a third reading. Passed January 22.

22. To change the voting place in beat No. 13, in Henry county. Passed.

To regulate the assessing of the poll tax in the counties of Henry and Greene. Passed.

To amend section 2371 of the Revised Code. Referred to committee on judiciary. Amended by committee and ordered to a third reading January 27. Passed February 19.

For the relief of the Montgomery female seminary, of which Mrs. Emily Littlepage is principal. Referred to committee on ways and means. Lost on final passage February 3.

To amend subdivision 16 of section 3 of an act to establish revenue laws for the State of Alabama, approved December 31, 1868. Referred to committee on ways and means.

Petition from citizens of Henry county praying for the formation of a new county out of the southern portion of Henry and certain portions of Dale and Geneva counties. Referred to committee on counties and county boundaries.

23. To enable and require receivers of railroads to discharge the duties required of them by law,

By Mr. OATES—Continued—

Referred to committee on internal improvements.

Jan. 26. To incorporate the town of Abbeville, in the county of Henry. Passed.

To amend section 1837 of the Revised Code. Referred to committee on revision of the laws.

For the relief of persons therein named from the disabilities of non-age. Referred to committee on local legislation.

To make contribution to aid in the completion of the Washington national monument. Referred to committee on federal relations.

Feb. 4. To repeal section 3519 of the Revised Code. Referred to committee on judiciary.

To extend the attachment law for rent. Referred to committee on judiciary.

To exempt all transcript and other papers used in making out claims, &c., from stamp tax on State and county seals. Referred to the committee on ways and means. Passed February 8.

To amend section 7 of an act to relieve and regulate the finances of the State. Referred to the committee on ways and means.

To fix the time for the trial of criminal cases in the circuit court of Barbour county. Passed.

To amend section 117 of an act to establish revenue laws for the State of Alabama, approved December 31, 1868, so far as the same applies to the county of Henry. Passed.

Petition from the laborers and track hands of the Alabama and Chattanooga railroad. Referred to a select committee.

8. Reported a bill to amend section 52 of an act to establish revenue laws for the State of Alabama. Indefinitely postponed.

To authorize the city council of Montgomery to issue and sell bonds of said city to an amount not exceeding in the aggregate fifty thousand dollars, for the purpose of paying or adjusting certain bonds issued and delivered by said city to the Montgomery and Wetumpka Plank Road

By Mr. OATES—Continued—

Company, in the event of a recovery or adjustment. Passed.

- Feb. 12. To amend section 4, 6, 9 and 12 of "an act to amend the charter of the city of Montgomery, and the various laws heretofore passed amending said charter," approved March 3, 1870. Amended and referred to a select committee. Passed February 14.
19. To extend to the fire companies in the city of Montgomery the benefit of the provisions of "an act to raise a fund for the benefit of the fire companies of the city of Mobile," approved March 1, 1870. Passed.
- Joint memorial to congress in relation to Choctaw-hatchie river. Adopted.
- Joint memorial to congress on the subject of aid by grant of lands to the Eufaula, Abbeville and Gulf Railroad Company. Adopted.
23. Joint resolution providing that the two houses of the general assembly adjourn sine die on the 24th instant. Adopted.

By Mr. PAYNE—  
1871.

- Nov. 22. To prohibit the sale, making or giving away of spirituous, vinous or malt liquors of any kind, within two miles of Summit, in Blount county. Passed.
28. To amend section 1282 of the Revised Code. Referred to committee on internal improvements. Report adverse, but not concurred in December 2. Passed December 4.
- To amend section 1285 of the Revised Code. Referred to committee on internal improvements. Passed December 4.
- Dec. 5. To regulate the pay of witnesses in the courts of this State. Referred to committee on revision of the laws.
14. To repeal "an act to suppress murder, lynching, and assaults and batteries," approved December 28, 1868, so far as the same relates to the county of Blount. Passed

By Mr. PAYNE— Continued—

1872.

Jan. 22. To amend section 1323 of the Revised Code, so far as relates to Blount county. Passed.

To amend section 1374 of the Revised Code, so far as relates to Blount county. Passed.

Feb. 2. To authorize John G. Waldrop to sell the land belonging to the estate of John Waldrop, deceased, late of Cherokee county. Referred to committee on local legislation.

By Mr. PERRIN—

1871.

Dec. 6. To amend section 2792 of the Revised Code. Referred to committee on revision of the laws.

1872.

Jan. 19. To allow coroners mileage. Referred to committee on fees and salaries. Amended and passed January 24.

To incorporate the Wilcox Agricultural and Mechanical Association. Laid on the table.

For the relief of John McCaskill of Wilcox county. Referred to a select committee.

To abolish the county court of Wilcox county. Referred to judiciary committee. Passed January 27.

By Mr. POWELL—

1871.

Nov. 22. To authorize administrators and executors to administer oaths in certain cases. Referred to judiciary committee. Report adverse and concurred in January 30.

25. To authorize N. B. Peacock, administrator of the estate of Edward P. Brooks, deceased, late of Butler county, to sell certain lands belonging to said estate at private sale. Referred to judiciary committee. Passed December 19.

To restrain the tax collector of Bntler county from collecting the taxes assessed for 1871, for county purposes, in said county, until the first day of May, 1872. Referred to committee on ways and means. Report adverse but not concurred in, and bill passed December 8.



By Mr. POWELL—Continued—

Nov. 25. To restrain the commissioners court of Butler county from levying a tax for county purposes of more than 50 per cent. of the present State tax. Referred to committee on ways and means. Report adverse but not concurred in, and bill passed December 8.

To remove the administration of the estate of James W. Powers, deceased, from the county of Wilcox to the county of Butler. Referred to committee on local legislation. Passed December 1.

To authorize James O. Adkins of Butler county to erect gates across the public road leading from Greenville to Cahaba. Referred to committee on roads and public highways. Passed November 29.

Nov. 25. To prevent railroad companies in this State from discriminating between local and through freights. Referred to committee on internal improvements. Passed December 4.

Dec. 4. To repeal section 96 of "an act to regulate elections in this State" approved October 8, 1868. Referred to committee on privileges and elections. Report adverse and concurred in February 20.

4. To change the boundary lines of the counties of Butler and Crenshaw. Referred to committee on counties and county boundaries. Laid on the table February 19.

To change the county boundaries between the counties of Butler and Lowndes. Referred to committee on counties and county boundaries.

To amend section 9 of an act for the protection of plantations and lands against depredations of stock in Lowndes county, approved December 31, 1868. Referred to committee on agriculture.

To authorize the Governor to draw his warrant on the treasurer for the sum of ten thousand dollars for the use and benefit of the widow and children of Gen. James H. Clanton, deceased, for services rendered the State. Referred to

By Mr. POWELL—Continued—

committee on finance. Substitute reported and amended and passed December 6.

Dec. 7. To incorporate the town of Pine Apple in Wilcox county. Referred to committee on corporations. Passed as amended by committee February 1.

To incorporate the town of Georgiana in Butler county. Referred to committee on corporations. Passed January 19.

To declare Persimmon creek, in Butler county, a public highway. Referred to committee on roads and public highways. Passed Jan. 24.

14. To authorize John Rudolph of Butler county to erect gates across the public road leading from Greenville to Mount Willing. Passed.

To prevent the sale of liquors within one mile of Damascus church, in Butler county. Passed.

To prevent fraud in obtaining supplies, and for other purposes. Referred to judiciary committee.

To fund the outstanding debt of Lowndes county and for other purposes. Referred to finance committee. Withdrawn from committee and the House January 12.

Joint resolutions proposing a joint committee to report the best way to pro rate or dispose of the donation made by congress to a mechanical and agricultural college in this State. Adopted.  
1872.

Jan. 10. To require persons in township 14, range 12, Montgomery county, to keep stock within their own enclosures. Referred to committee on agriculture.

26. To authorize John Little and Zack Davis of Butler county to erect gates across the public road leading from the Greenville and Elm Bluff road in said county to the county line between the counties of Butler and Lowndes. Passed.

To amend an act entitled "an act to amend section 11 of an act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within

By Mr. POWELL—Continued—

the State. Referred to committee on internal improvements. Amended and passed February 3.

By Mr. RAISLER—  
1871.

Nov. 21. To compensate the solicitor of Limestone county in certain cases. Referred to judiciary committee. Passed November 28.

To regulate and contest claims on insolvent estates. Referred to committee on revision of the laws. Report adverse, and concurred in December 2.

To require the clerk of the circuit court of Limestone county, to fix certain days on his criminal docket for the trial of criminal cases. Referred to committee on revision of the laws. Report adverse, and concurred in December 2.

24. To amend section 3 of an act to fix the time of holding courts in the 4th judicial circuit, approved January 23, 1871. Referred to committee on revision of the laws. Substitute adopted, and passed January 24.

To require justices of the supreme court to reinstate upon the docket of said court, upon certain conditions therein expressed, a certain appeal from the circuit court of Limestone county. Referred to select committee. Passed December 5.

Dec. 13. To authorize and empower the commissioners court of Limestone county, to build a bridge over Elk river, in said county. Referred to committee on internal improvements. Passed January 20.

16. To regulate attachments in this State. Referred to committee on revision to the laws.

1872.

Jan. 12. To incorporate the town of Elkmont, in Limestone county. Referred to committee on corporations. Passed January 19.

For the more equitable distribution of assets of decedent's estates. Referred to committee on judiciary.

By Mr. RAISLER—Continued—

- Jan. 12. To protect farms and other enclosures in this State. Referred to committee on agriculture.
- To amend an act to regulate elections in this State. Referred to joint select committee.
- To prohibit the sale of liquors in the town of Oxford, and within five miles thereof. Passed.
- To amend an act to incorporate the female institute of the Tennessee annual conference of the Methodist Episcopal church, at Athens, Alabama. Referred to committee on education. Passed January 20.
- To amend section 2739 of the Revised Code. Referred to committee on the revision of the laws.
- Jan. 17. To amend section 2704: of the Revised Code. Referred to committee on revision of the laws.
- 26. To repeal "an act to suppress murder, lynching and assaults and batteries," so far as it relates to the counties of Limestone and Cherokee. Ordered to a third reading.

By Mr. RICE—

1871.

- Jan. 17. For the relief of the indigent insane. Referred to committee on education. Passed as amended by committee January 20.

By Mr. SEMMES—

1871.

Nov. 21. To authorize the mayor of the city of Mobile to take cognizance of and try cases of misdemeanor. Referred to judiciary committee. Passed as amended by committee January 25.

To amend "an act to carry into effect paragraph 26, article 1, of the constitution of Alabama."

Referred to judiciary committee.

To appropriate the swamp land fund to the city of Mobile. Referred to judiciary committee. Report adverse, and concurred in January 30.

To amend "an act to reorganize and establish the the municipal government of the city of Mobile." Referred to committee on the judiciary, Passed November 28.

By Mr. SEMMES—Continued—

Nov. 21. To amend an act in relation to appeals from justices' courts. Referred to committee on the judiciary. Lost December 7. Reconsidered and passed January 15.

To amend subdivision 4, of section 144, of the Revised Code. Referred to committee on revision of the laws. Report adverse, and concurred in December 2.

To amend " an act for the relief of laborers and employees." Referred to committee on revision of the law. Passed December 4.

To repeal an act to facilitate the collection of municipal taxes and dues in the city of Mobile. Referred to committee on local legislation. Lost on passage December 11.

To prevent the destruction of certain game in Mobile county. Referred to committee on local legislation. Passed November 29.

To repeal section 69 of an act to regulate elections in this State. Referred to committee on privileges and elections.

To provide for the challenging of voters in the State of Alabama. Referred to committee on privileges and elections.

To repeal "an act to authorize the commissioners of revenue of Mobile county to elect the tax assessor for said county, and remove said assessor." Referred to committee on ways and means. Passed November 28.

To exempt certain property from taxation. Referred to committee on ways and means. Report adverse, and concurred in November 29.

To amend section 80 of an act to establish revenue laws for the State of Alabama. Referred to committee on ways and means. Report adverse, and concurred in November 29.

To repeal an act to increase the fees of public officers of Mobile county. Referred to committee on fees and salaries. Indefinitely postponed, December 11. Reconsidered and passed January 12. Vote on passage reconsidered January 13. Indefinitely postponed January 26.

By Mr. SEMMES—Continued—

Nov. 24. To repeal section 149 of the Revised Code. Referred to committee on revision of the laws.

27. To amend section 2960 of the Revised Code. Referred to committee on revision of the laws.

Passed as amended by committee January 25.

To repeal section 99 of an act to consolidate the several acts of incorporation of the city of Mobile, and alter and amend the same. Referred to committee on corporations. Passed January 19.

Dec. 4. Resolution declaring Hon. L. O. Carlin, who had removed from his county, no longer a member of the House of Representatives. Referred to committee on privileges and elections. Committee discharged February 20.

5. To protect the owners of oyster beds in the tide waters of Alabama. Referred to committee on local legislation. Passed January 30,

7. To amend section 4182 of the Revised Code. Referred to committee on revision of the laws

12. Joint resolution providing for an extension of the present session of the General Assembly beyond the constitutional thirty days. Amended and adopted December 14.

14. For the better protection of human life. Referred to committee on the judiciary. Substitute reported and passed January 27.

To protect life insurance companies in certain cases. Referred to committee on the judiciary

For the relief of Young C. Hall, administrator of the estate of Charles Hall, deceased, in the county of Baldwin. Referred to committee on the judiciary. Report adverse, and concurred in January 13.

1872.

Jan. 19. To amend section 2621 of the Revised Code,

By Mr. SIMS—

1872.

Jan. 12. To change the line between the counties of Lee and Chambers. Referred to select committee. Substitute reported and passed February 12.

By Mr. SMITH of Choctaw—  
1871.

Nov. 21. To regulate sales by the sheriff of Choctaw county. Amended and referred to judiciary committee. Passed November 28.

To give additional powers to judges of probate.  
Referred to committee on revision of the laws.  
Report adverse, and concurred in December 5.  
Reconsidered and bill passed December 12.

22. To prohibit the sale of vinous or spirituous liquors within two miles of Mount Sterling, in Choctaw county. Passed.

To secure justices of the peace and notaries public in their fees in certain cases. Referred to committee on revision of laws. Passed December 2.

25. To amend "an act to enable the commissioners courts of St. Clair, Walker and Choctaw counties, to erect bridges and have public buildings repaired, and to make said claims preferred claims against said counties," approved February 7, 1871. Referred to committee on roads and public highways. Passed November 29.

For the benefit of plaintiffs in attachment. Referred to committee on revision of the laws, Passed January 24.

To supply the county of Choctaw with a tract book. Referred to select committee. Passed November 28.

To furnish the judge of probate of Choctaw county, a list of all lands sold for taxes since May 25, 1865, and purchased by the State. Referred to select committee. Passed November 28.

To supply the probate judge of Choctaw county with books and documents. Passed.

To amend sections 1282 and 1283 of the Revised Code. Referred to committee on the judiciary. Report adverse, and concurred in January 30.

Dec. 9. To authorize Martha Ferrell, administratrix of the estate of Nicholas Ferrell, deceased, to sell certain property at private sale. Referred to select committee. Passed December 12.

To prevent the sale, giving away, or otherwise

By Mr. SMITH of Choctaw—Continued—

disposing of spirituous, vinous or malt liquors, within two miles of the male and female academy, in the town of Isney, in Choctaw county. Passed.

Dec. 14. To authorize the sheriff of Choctaw county to sell real or personal property on any Monday in any month, after giving notice required by law. Amended and passed.

To amend section 2 of an act to regulate the publication of legal notices in the State of Alabama, approved October 10, 1868. Referred to committee on revision of the laws.

1872.

Jan. 12. To establish revenue laws for the State of Alabama. Amended and passed January 15.

15. To authorize B. L. Tarver of Choctaw county, to redeem certain land sold for taxes and purchased by the State. Passed.

To authorize the administrator of the estate of Thomas Gough, deceased, to sell certain lands at private sale. Passed.

To authorize Warner Bailey, of Choctaw county, to erect gates across the public highways. Referred to select committee. Passed February 2.

Feb. 2. For the relief of William J. Gilmer, of Choctaw county, and the sureties on his official bond. Referred to committee on education.

By Mr. SMITH of Greene.

1871.

Nov. 22. For the relief of the sureties on the official bond of Newton F. Smith, late tax collector of Greene county. Passed.

27. To amend section 2082 of the Revised Code, and to regulate the proceedings as to the sale of lands belonging to insolvent estates. Referred to committee on the judiciary.

Dec. 1. Requiring the tax assessors to give tax payers, upon the assessment of taxes a duplicate copy of the articles so assessed. Referred to committee on ways and means. Report adverse and concurred in December 7.



By Mr. SMITH of Greene—Continued—  
1872.

Feb. 4. To repeal an act to suppress murder, lynching and assaults and batteries, approved December 28, 1868, so far as the same relates to Greene county. Passed.

For the relief of the Pleasant Ridge Female Institute of Greene county. Passed.

To repeal an act to suppress murder, lynching and assaults and batteries, approved December 28, 1868, so far as the same relates to Choctaw county. Passed.

By Mr. SMITH of Sumter—  
1871.

Nov. 24. To establish uniform rates of freight and travel on the railroads within the State of Alabama. Referred to committee on the judiciary.

To compel probate judges and other county officers of the county of Sumter to give as sureties on their official bonds, persons residing in said county. Referred to committee on the judiciary. Substitute reported and passed December 6.

For the protection of owners of land in payment by railroad companies, their lessees and agents, for rights of way and other privileges. Referred to committee on revision of the laws.

Providing a more convenient mode of suing railroad companies and their lessees. Referred to committee on the revision of the laws. Substitute reported and passed December 2.

To regulate office hours for the sale of tickets to the traveling public on the railroads in the State of Alabama. Referred to committee on internal improvements. Passed December 4.

To relieve Mary S. Harris of Sumter county from settling her guardian accounts in the probate court of said county for the space of five years. Referred to select committee. Passed December 6.

Nov. 28. To prevent the probate judge of Sumter county from appointing their employees as guardian

By Mr. SMITH of Sumter—Continued—

ad litem or special administrator. Referred to committee on the revision of the laws.

Nov. 28. To limit the commissioners court of Sumter county in their power to assess taxes. Referred to committee on ways and means. Report adverse, but not concurred in, and bill passed December 8.

29. To allow lax collectors further time to collect taxes due the State and several counties. Referred to judiciary committee.

Dec. 6. To amend section 2704 of the Revised Code. Referred to committee on the revision of the laws.

To relieve Edward H. Ustick, former jailer of Sumter county. Referred to the committee on local legislation.

Reported a bill to regulate elections in the State of Alabama. Substitute adopted December 11. Amended and passed February 14.

14. To repeal an act to consolidate the funds of fines and forfeitures and general fund of the county of Sumter. Passed,

For the relief of Bedford J. Hamilton, a blind minister, and his miner son, Alexander Hamilton, formerly of the county of Sumter. Passed.

To define and regulate property exempted from sale under legal process or administration for the payment of debts. Referred to committee on the judiciary. Substitute reported and passed January 29.

To relieve the administration of A. E. Brockway, deceased, of Sumter county. Referred to committee on judiciary.

To repeal an act authorizing the commissioners court of Sumter county to levy an additional tax for county purposes. Referred to the committee on ways and means. Passed January 13.

1872.

Jan. 18. To amend section 3528 of the Revised Code. Referred to committee on the revision of the laws.

To define the corporate limits of the town of Livingston, in Sumter county. Referred to the committee on corporations. Passed February 1.

By Mr. SMITH of Sumter—Continued—

Jan. 18. To elect three commissioners to investigate the condition and general management of the railroads in Alabama, and make annual reports of the same to the general assembly of said State. Referred to committee on internal improvements.

To amend section 3936 of the Revised Code.

Referred to the committee on revision of the laws.

19. To repeal an act to register and pay the debt of Sumter county, approved March 1, 1870. Referred to committee on local legislation. Passed January 30.

29. To authorize James E. Hart, a citizen of Mississippi, to execute the will of Elizabeth D. Harwood, in accordance with the request contained in said will. Referred to committee on local legislation.

To prevent the sale of spirituous liquors within two miles of Charcoan church, in Sumter county. Passed.

To amend section 3149 of the Revised Code.

Referred to committee on the revision of the laws.

To regulate the weighing, storage and sampling cotton in the city of Mobile. Referred to the committee on revision of the laws.

To regulate costs and fees of justices of the peace in Gainesville, Sumter county. Referred to committee on fees and salaries.

By Mr. SMITHERMAN—

1871.

Nov. 25. To declare Thorington Perkins and Stephen Abercrombie, liners between the counties of Perry and Bibb, citizens of Bibb county ; and change the line between said counties. Passed December 4.

Dec. 1. To provide an additional term of the chancery court for the 8th district of the middle chancery division, composed of the county of Bibb.

Referred to the judiciary committee. Passed January 25.

By Mr. SMITHERMAN—Continued—  
1872.

Jan. 15. To prevent the sale of spirituous liquors within two miles of Black Jack church, in Bibb county. Referred to committee on local legislation.

Passed January 30.

22. To incorporate the town of Centreville in Bibb county. Referred to committee on corporations.

To amend an act to incorporate the trustees of the Centreville Academy, in the county of Bibb. Referred to committee on corporations.

To amend section 759 of the Revised Code, so far as the same relates to the county of Bibb. Referred to committee on the revision of the laws.

For the relief of John W. McConnel of Bibb county. Referred to committee on accounts and claims.

For the relief of L. H. Kinnard of Bibb county. Referred to the committee on accounts and claims.

For the relief of J. L. Hicks. Referred to the committee on accounts and claims.

Feb. 2. To authorize Jackson Gardner, judge of probate for Bibb county, Alabama, to entertain jurisdiction of the estate of James W. Latham, deceased. Referred to a select committee.

By Mr. SPEAKE—  
1871.

Nov. 20. To keep the school funds of the State separate from the other funds of the State. Referred to committee on education. Passed Nov. 27.

21. To pay sheriffs for feeding prisoners confined in the county jails. Referred to committee on the judiciary.

27. To require tax collectors to pay to county superintendents the school funds due their respective counties. Referred to committee on education.

Dec. 12. To authorize Simpson & Baker, owners of a steam mill in Lawrence county, to take one-seventh as toll or compensation for services rendered. Passed.

14. To secure to the citizen the right to be sued in

By Mr. SPEAKE—Continued.

the county of his residence, in certain cases.  
Referred to committee on revision of the laws.

1872.

Jan. 12. (By request). To regulate the practice in suits for divorce. Referred to the committee on judiciary.

(By request). To regulate and restrain the dismissal of suits in all the courts of this State.  
Referred to the judiciary committee.

1872.

Jan. 12. (By request.) For the legitimation of all children born in this State after July 4, 1872.

Referred to committee on judiciary.

(By request.) To make fornication marriage in certain cases after July 4, 1872. Referred to committee on judiciary.

16. To repeal an act enacted by the board of education establishing normal schools at Talladega, Tuscumbia, Scottsboro and Midway, approved December 20, 1871. Referred to committee on education. Substitute reported, amended and passed February 12.

To repeal an act enacted by the board of education establishing a female school for the education of white female teachers, approved December 20, 1871. Referred to committee on education. Passed February 12.

To repeal an act enacted by the board of education to provide for a normal school at the University of Alabama. Referred to committee on education. Passed February 12.

To incorporate the town of Gilmer, in Lawrence county. Referred to committee on corporations. Passed February 1.

Jan. 26. Joint memorial to congress for a grant of lands along the route of the Decatur and Aberdeen railroad, in aid of the construction of said road, and also a branch of the same to the city of Columbus, Miss. Adopted.

Feb. 19. For the relief of Eliza S. Phinzy of Lawrence county. Passed.

By Mr. ST. CLAIR—

1872.

Feb. 4. To prevent the sale of liquors within two miles of Franklin Methodist church in Macon county.

Referred to committee on local legislation.

To prohibit the sale of spirituous liquors within three miles of Cowles' station, in Macon county.

Referred to committee on local legislation.

To prohibit the sale of liquors within two miles of Clear Spring church, in Macon county.

Referred to committee on local legislation.

To prohibit the sale of liquors within two miles of Sweet Gum Methodist church, in Macon county. Referred to committee on local legislation.

By Mr. STEELE—

1871.

Nov. 22. To incorporate the town of Cherokee, in Colbert county. Referred to committee on corporations. Passed December 1.

25. To divide the counties of Franklin and Colbert, each into four commissioners districts. Referred to committee on privileges and elections.

Dec. 1. To apportion representation to Colbert county. Referred to committee on privileges and elections. Passed February 20.

6. To confer on John T. Rather and Silas P. Rather, administrators of Edward M. Thompson, deceased, authority to compromise a suit. Passed.

1872.

Jan. 19. For the relief of the estate of Isaac Winston of Franklin county. Referred to select committee. Passed February 4.

Feb. 4. To confer additional powers upon the chancery courts in this State. Referred to committee on the judiciary.

By Mr. STRAUSS—

1871.

Nov. 28. Joint resolution for a joint committee to investigate sundry charges against the Hon. John Elliott, judge of the 6th judicial circuit. Adopted.

By Mr. STRAUSS—Continued—

Dec. 4. To amend section 3515 of the Revised Code.

Referred to committee on revision of the laws.

Dec. 6. To amend section 1833 of the Revised Code.

Referred to committee on judiciary. Substitute reported and passed January 25.

7. To extend the time within which the Bienville Water Works of the city and county of Mobile may commence and construct their works without forfeiture. Passed.

1872.

Jan. 18. To regulate the publication of legal notices in the county of Mobile. Passed.

By Mr. TAYLOR of Lauderdale—

1871.

Nov. 21. To confine the holding of elections in this State to the first Tuesday after the first Monday in November. Referred to committee on privileges and elections.

For the relief of the policy holders in the Home Insurance Company of New Haven, Connecticut.

Referred to committee on ways and means.

Substitute reported and passed December 8.

24. To secure a more thorough assessment of the real property in the State. Referred to committee on ways and means. Report adverse and concurred in November 29.

To provide for a final disposition of the bonds deposited with the treasurer by insurance companies for the protection of policy holders on property in this State. Referred to committee on ways and means. Substitute reported and passed December 8.

To amend section 47 of "an act to establish revenue laws for the State of Alabama," approved December 31, 1868. Referred to committee on ways and means. Report adverse and concurred in January 13. Reconsidered and substitute adopted and passed January 16.

To secure to the different counties of the State a proportional share of the public school money. Referred to committee on education. Passed December 12.

By Mr. TAYLOR of Lauderdale—Continued—

Nov. 28. To incorporate the Tennessee and Coosa Canal Company. Ordered to second reading. Referred to committee on internal improvements  
December 4. Report adverse and concurred in  
January 20.

Dec. 1. To provide for holding the circuit court in the absence of the circuit judge. Referred to committee on judiciary.

5. To amend sections 4, 9 and 14 of "an act in relation to the chancery courts in Alabama," approved August 12, 1868. Referred to the committee on judiciary.

For the relief of J. J. Hinds of Lauderdale county.  
Referred to committee on accounts and claims  
Report adverse and concurred in January 24.

15. To establish an agricultural and mechanical college at Florence. Referred to the select committee. Amended by committee and substitute adopted and referred to select committee February 16. Passed February 17.

1872.

Jan. 12. To incorporate the town of Waterloo, in Lauderdale county. Referred to committee on corporations. Passed January 19.

To supply the county of Lauderdale with a tract book of said county. Referred to committee on accounts and claims. Passed February 26.

Jan. 16. To amend section 6 of an act to suppress murder, lynching, and assaults and batteries. Referred to committee on the judiciary.

To establish the compensation of electors for president and vice-president. Referred to committee on fees and salaries. Laid on the table  
January 24.

26. To give courts power to tax prosecutors with costs in certain cases. Referred to committee on the judiciary.

Feb. 12. Joint memorial to the congress of the United States asking an additional grant of the public lands for the endowment of an agricultural and mechanical college in the State of Alabama.  
Adopted.



By Mr. TAYLOR of Winston—

Jan. 19. To prohibit the sale of liquors within two miles of the town of Houston, in Winston county.  
Passed.

By. Mr. THOMPSON—  
1871.

Nov. 27. For the relief of Mason Harwell and Edgar J. Lee, surviving partners of H. P. Lee & Co., of the county of Montgomery. Referred to committee on ways and means. Amended by committee and passed December 8.

Dec. 5. For the relief of justices of the peace of Montgomery county. Referred to committee on ways and means. Report adverse and concurred in December 8.

14. To amend section 3996 of the Revised Code—  
Referred to committee on revision of the laws.  
Passed as amended by committee January 24.  
To authorize the appointment of a deputy surveyor. Referred to committee on revision of the laws.

To regulate the fees of jurors and witnesses of the county of Montgomery. Referred to committee on ways and means. Report adverse and concurred in January 13.

19. To inflict penalties upon common carriers and their agents for violation of laws in making unjust and illegal distinction, based on color, race, or previous condition. Ordered to second reading. Referred to committee on judiciary January 22. Substitute reported February 23. Ordered to third reading February 24.

1872.

Jan. 18. To prohibit the sale of liquors within two miles of Little Zion church, in Montgomery county.  
Referred to committee on revision of the laws.  
Passed January 30.

To amend section 3996 of the Revised Code. Referred to committee on revision of the laws.  
For the relief of Jane Willis, of Montgomery county. Referred to committee on the judiciary. Report adverse and concurred in January 30.

By Mr. THOMPSON—Continued—

- Jan. 18. For the relief of Hector Prince, of Montgomery county. Referred to committee on judiciary. Report adverse and concurred in January 30.
- 29. To establish the office of county advocate for the county of Montgomery, to defend persons unable to employ counsel. Referred to committee on the judiciary.
- Feb. 19. To establish the office of county attorney for the county of Montgomery. Ordered to a third reading.

By Mr. TOOMER—

- 1871.
- Nov. 24. To require electors to vote in the precinct of their residence. Amended and referred to committee on privileges and elections.
- Dec. 5. To revive the charter of Salem, in Lee county. Referred to committee on corporations. Passed January 31.
- To establish a college at Auburn, in Lee county, for the benefit of agriculture and the mechanic arts, pursuant to an act of congress of the United States on that subject, approved July 2, 1862. Referred to a select committee.
- To amend section 80 of "an act to establish revenue laws for the State of Alabama," approved December 31, 1868. Referred to committee on ways and means.
- To make appropriations for the fiscal year ending September 30, 1872. Referred to committee on ways and means.
- 7. To regulate business in the circuit courts of this State. Referred to committee on judiciary. Passed January 25.
- 14. To provide for the enrollment and organization of the militia of the State, and to amend an ordinance for the organization of the volunteer militia. Referred to committee on the military January 22.
- 16. To amend the charter of the city of Opelika. Passed.
- 1872.
- Jan. 12. To change the boundary line between Lee and

By Mr. TOOMER—Continued—

Tallapoosa counties, so as to include the north-east quarter of section 14 and the east half of section 14, township 20, range 24, in Lee county. Passed.

Jan. 16. To prevent the carrying of pistols and certain other deadly weapons, whether concealed or otherwise, in the State of Alabama. Referred to committee on the judiciary. Substitute reported January 27.

To prevent trespassing on lands in certain cases. Referred to committee on public roads and highways.

To amend section 1387 of the Revised Code. Referred to committee on public roads and highways.

To amend section 1386 of the Revised Code. Referred to committee on public roads and highways.

To prohibit the sale of spirituous liquors within three miles of Whitten's shop, in Lee county. Passed January 17.

17. To prohibit the sale of liquors within one mile of the works of the Chewacla lime company, in Lee county. Passed.

To regulate the business of insurance in this State. Referred to the committee on the revision of the laws.

Feb. 8. To authorize Caroline M. Preston, administratrix of the estate of B. S. Garnett, deceased, to sell the lands of said estate at private sale. Passed.

By Mr. TOULMIN—  
1871.

Nov. 21. To provide for the election of solicitors. Referred to committee on the judiciary. Report adverse and concurred in.

To prevent illegal voting. Referred to committee on privileges and elections.

22. To prevent homicide. Referred to committee on the judiciary. Passed January 15.

To amend section 1860 of the Revised Code. Referred to committee on the judiciary. Passed December 7.

By Mr. TOULMIN—Continued—

Nov. 22. To establish public holidays. Referred to committee on the judiciary. Passed December 7.

To authorize the redemption of lands sold for taxes and purchased by the State. Referred to the committee on ways and means. Amended by committee and passed November 29.

24. To amend section 1 of "an act to empower the governor to appoint notaries public." Referred to committee on the judiciary.

To declare valid the acts of notaries public in certain cases. Referred to committee on the judiciary. Passed December 7.

To repeal "an act for the relief of laborers and employees." Referred to committee on the judiciary. Passed December 7.

Nov. 24. To amend section 2660 of the Revised Code, Referred to the committee on revision of the laws.

To allow J. J. Delchamps, of the county of Mobile, to cut a canal, and to collect tolls thereon, Referred to committee on internal improvements. Passed December 2.

27. To declare the effect of judicial proceedings in this State during the late war. Referred to judiciary committee.

To authorize married women to mortgage their separate statutory estates in certain cases. Referred to judiciary committee. Passed December 7.

For the relief of Catharine Norton. Referred to judiciary committee. Passed December 7,

To give force and validity to the proceedings of the Mobile and Northwestern railroad company. Referred to committee on internal improvements. Passed December 4.

Dec. 5. Joint resolutions on the subject of the swamp and overflowed lands of the State. Referred to committee on education. Adopted as amended by committee January 20.

12. In relation to the bridge of the Mobile and Montgomery railroad company across Mobile river, a navigable stream of the State of Alabama.

By Mr. TOULMIN—Continued—

Referred to committee on internal improvements

Dec. 14. To establish a board of commissioners of roads in the county of Mobile, and to prescribe the duties thereof. Passed.

To repeal an act in regard to roads, bridges and ferries in the county of Mobile. Passed.

To remove the administration of the estate of Sydenham Moore, deceased, from the probate court of Greene county to the probate court of Mobile. Passed.

To authorize the corporate authorities of the city of Mobile to establish and maintain public parks within the limits of said city. Passed.

To amend section 1084 of the Revised Code.

Referred to committee on revision of the laws.

Passed as amended by committee January 25.

In relation to the election of officers of the city of Mobile. Referred to committee on local legislation. Passed February 16.

In relation to asylums and other charitable institutions in this State. Referred to committee on corporations. Passed February 1.

19. Joint resolution for a joint committee to take into consideration memorial from the Montgomery board of trade on the subject of immigration.

1872.

Jan. 12. In relation to the competency of witnesses. Referred to judiciary committee. Lost on final passage January 27.

To authorize the sale of the swamp and overflowed lands to the Mobile and Northwestern railroad company on the terms therein stated. Referred to committee on internal improvements. Substitute reported, amended and passed February 12.

18. To amend section 3 of an act to incorporate the Gulf City insurance company. Passed.

To extend the time in which the Mobile harbor and railroad company have to complete their harbor and railroad. Passed.

For the relief of Benjamin Patrick, a citizen of

By Mr. TOULMIN—Continued—

- Alabama, residing in the city of Mobile. Passed.
- Jan. 18. To facilitate the collection of toll by the Mobile and Spring Hill plank and shell road company. Referred to committee on internal improvements.
19. To regulate the insurance business in the State of Alabama. Ordered to a third reading February 4.
26. To repeal an act entitled an act to suppress murder, lynching, and assaults and batteries, so far as relates to the county of Mobile. Passed.
- To repeal an act to protect the planters of this State from imposition in the sale of fertilizers. Referred to committee on agriculture.
- To authorize the prosecution and removal of justices of the peace, notaries public and constables for corrupt and oppressive conduct in office. Amended and referred to judiciary committee.
- Joint memorial relating to a steamboat canal between the Tennessee and Coosa rivers. Adopted.
- For the relief of Frances Stephens, an infant, in Mobile. Referred to the judiciary committee.
- To encourage immigration into this State. Referred to select committee. Ordered to third reading February 2.
- Feb. 15. To provide a sinking fund for redemption of the State debt. Referred to committee on ways and means. Passed February 21.

By Mr. WARE—

- 1871.
- Nov. 25. To decrease the pay of the commissioners court of Chambers county. Referred to committee on fees and salaries. Passed November 29.
- Dec. 7. To repeal an act to declare Joseph H. Harris (a liner between the counties of Chambers and Lee,) a citizen of Lee county. Referred to committee on counties and county boundaries.
- To amend section 3 of an act to empower the commissioners court of Chambers county to issue bonds for the purpose of liquidating the

By Mr. WARE—Continued—

present indebtedness of said county. Referred to committee on local legislation. Passed January 30.

1872.

Jan. 15. To prevent the sale of liquors within two miles of Soule chapel, in the county of Chambers. Referred to committee on local legislation. Passed January 30.

By Mr. WEATHERFORD—

1871.

Nov. 25. To abolish the office of tax collector of Franklin county. Referred to committee on ways and means. Report adverse and concurred in November 29.

For the relief of R. S. Watkins, of Franklin county. Referred to committee on education. Passed January 20.

Dec. 1. To prohibit the sale of liquors within three miles of Pleasant Site church, in Franklin county. Referred to committee on local legislation. Passed January 30.

For the relief of purchasers of 16th section land in the State of Alabama. Referred to committee on education.

To make Mrs. Mecca C. Chandler, of Lauderdale county, a free dealer. Laid on the table.

1872.

Jan. 22. For the relief of Harriet Hughes, of Franklin county. Referred to committee on local legislation.

By Mr. WHITE—

1871.

Nov. 22. To provide for the collection and distribution of fines and forfeitures in the counties of Clay and Coosa. Referred to committee on fees and salaries. Passed November 29.

Dec. 1. To incorporate the town of Ashland, in Clay county. Referred to the committee on corporations. Passed December 12.

4. To prescribe the time of holding the circuit courts in the tenth judicial circuit. Referred

By Mr. WHITE—Continued—

to committee on the judiciary. Passed December 19.

Dec. 14. Requiring justices of the peace of Clay county to act as apportioners and supervisors of public roads in Clay county. Referred to committee on public roads and highways. Passed, as amended by the committee, December 19. 1872.

Jan. 15. To repeal " An act to increase the fees of public officers of Mobile county," approved December 7, 1866, so far as relates to fees to be paid from the State treasury. Referred to committee on ways and means.

To limit the jurisdiction of notaries public in the county of Clay. Amended and referred to the judiciary committee.

Jan. 22. To limit and fix the amount of property exempt from sale under execution or other final process. Referred to committee on the judiciary.

To repeal an act to amend section 26 of an act to regulate elections of this State, approved October 10, 1868. Referred to committee on privileges and elections.

To amend and repeal section 69 of an act to regulate elections in this State, approved October 8, 1868. Referred to committee on privileges and elections.

Joint memorial to the congress of the United States asking relief in certain cases. Adopted.

Feb. 2. To suppress public violations of the Sabbath day. Amended and laid on the table.

By Mr. WILLIAMS—  
1871.

Nov. 22. To repeal " An act to establish public pounds in the county of Montgomery," approved March 3, 1870. Referred to committee on agriculture. Report adverse December 2, Concurred in December 4.

By Mr. WYMAN—  
1871.

Dec. 14. For the relief of Mrs. Sarah A. Martin, widow of the late Joshua L. Martin. Passed.



By Mr. WYMAN—Continued—  
1872.

Jan. 13. To repeal " An act to amend an act to establish revenue laws for the State of Alabama," approved February 9, 1870. Referred to committee on ways and means.

Jan. 20. To authorize Bryce Wilson to pay over certain moneys therein named to R. S. Watkins, attorney-at-law. Passed,.

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# NAMES

## OF

### REPRESENTATIVES AND THEIR POST OFFICES.

NAMES.	COUNTY.	POSTOFFICE.
Hubbard, J. P., Speaker..	Pike.....	Troy.
Alley, William	Macon.....	Tuskegee.
Appleton, J. B.	DeKalb.....	Collinsville.
Ashurst, J. F.	Tallapoosa. ....	Tallassee.
Benson, B. F.	Elmore .....	Wetumpka.
Black, Jacob.....	Barbour. ....	Eufaula.
Box, L. F.....	St. Clair.....	Ashville.
Boyd, R. K.....	Marshall .....	Guntersville.
Bradford, Taul.....	Talladega .....	Talladega.
Bulger, W. D.....	Tallapoosa.....	Dadeville.
Bullock, J.M.....	Greene.....	Eutaw.
Calloway, M. P.....	Crenshaw .....	Rutledge.
Carlin, L. C.....	Marengo .....	Demopolis.
Carmichael, J. M.....	Dale.....	Ozark.
Clark, T. J.....	Barbour. ....	Clayton.
Clements, N. N.....	Tuscaloosa.....	Tuscaloosa.
Cochran, H.....	Dallas.....	Selma.
Coleman, W. H.....	Washington.. ....	St. Stephens.
Cowan, J. H. ....	Jackson .....	Princeton.
Craig, H. H. ....	Montgomery.....	Montgomery
Crook, James. ....	Calhoun. ....	Jacksonville.
Curtis, A. H. ....	Perry .....	Marion.
Davis, J. H.....	Randolph.....	Wedowee.
Diggs, T. H.....	Barbour.....	Eufaula.
Doster, C. S. G.....	Autauga.....	Prattville.
Dozier, John.....	Perry .....	Uniontown,
Drake, George M.....	Bullock.....	Union Springs.

NAMES.	COUNTY	POST OFFICE
Duskin, G.M.....	Hale.....	Greensboro.
Dustan, C. W.....	Marengo .....	Demopolis.
Ellison, George H.....	Mobile .....	Mobile.
Ethridge, J. W.....	Conecuh .....	Belleville.
Gaskin, William.....	Lowndes .....	Manack.
Gee, Ned.....	Dallas .....	Orrville.
Gilchrist, P. P.....	Lawrence .....	Courtland
Graham, J. H.....	Perry .....	Marion.
Grayson, H. C.....	Clarke.....	Grove Hill.
Grayson, J. W.....	Madison .....	Huntsville.
Greene, J. K.....	Hale .....	Greensboro.
Gunn, J.....	Morgan .....	Trinity.
Hamilton, A. J.....	Marion .....	Pikeville.
Harralson, J. ....	Dallas .....	Cambridge.
Henderson, William.....	Wilcox .....	Prairie Bluff.
Henry, B. M. ....	Russell .....	Villula.
Hewett, G. W.....	Jefferson .....	Elyton.
Hitchcock, A. H.....	Talladega .....	Fayetteville.
Hodo, D, C.....	Pickens .....	Carrolton
Holmes, O. S.....	Baldwin .....	Montgomery Hill.
Holmes, J. H.....	Sumter .....	Gaston.
Howell, W. P.....	Cleburne .....	Oak Level.
Hurt, W. F.....	Jackson .....	Bellefonte.
Johnson, W. L.....	Coosa .....	Nixburg.
Johnson, R.....	Dallas .....	Selma.
Kennedy, W. H.....	Fayette .....	Millport.
King, Horace.....	Russell .....	Columbus, Ga.
Knox, R. H.....	Montgomery .....	Montgomery.
Leath, J. H.....	Cherokee .....	Centre.
Lewis, B. B.....	Shelby .....	Montevallo.
Lindsay, J. M.....	Monroe .....	Claiborne.
Lowe, W. M.....	Madison .....	Huntsville.
Lumpkin, R. B.....	Chambers .....	Cusseta.
McCall, D.A.....	Bullock .....	Union Springs.
McCaskey, Thomas D.....	Wilcox .....	Prairie Bluff.
McDermott, James.....	Mobile .....	Mobile.
Mancill, E. J.....	Covington .....	Andalusia.
Marlowe, George F. ....	Dallas .....	Selma.
Miller, L.C.....	Walker .....	Holly Grove.
Moore, J. G.....	Coffee .....	Elba.
Mooring, J.A.....	Sumter .....	Gainesville.
Murrah, William.....	Pickens .....	Columbus, Miss.
Nininger, John.....	Lowndes .....	Calhoun Station.

NAMES.	COUNTY.	POSTOFFICE.
Oates, W.C.....	Henry.....	Abbeville.
Payne, A. P.....	Blount.....	Sonnet.
Perrin, J. S.....	Wilcox.....	Camden.
Powell, J. L.....	Butler.....	Greenville,
Raisler, C. W.....	Limestone .....	Athens.
Rice, F.....	Madison.....	Flint Factory.
Semmes, O. J.....	Mobile .....	Mobile.
Simms, J. M.....	Lee .....	Salem.
Smith, G. F.....	Choctaw.....	Butler.
Smith, J. G.....	Greene.....	Eutaw.
Smith, E. W.....	Sumter.....	Livingston.
Smitherman, T. J.....	Bibb. ....	Centreville.
Speake, J. B.....	Lawrence.....	Danville.
Speed, L.S.....	Bullock.....	Union Springs.
St. Clair, H.....	Macon.....	Tuskegee.
Steele, John A.....	Franklin.....	Tuscumbia.
Strauss, Nat.....	Mobile .....	Mobile.
Taylor, B. F.....	Lauderdale.....	Center Star.
Taylor, John.....	Winston .....	Littleville.
Thompson, H.....	Montgomery .....	Montgomery.
Toomer, Sheldon. ....	Lee .....	Opelika.
Toulmin, H. T.....	Mobile .....	Mobile.
Tyler, Mansfield.....	Lowndes .....	Benton.
Ware, J.....	Chambers.....	LaFayette.
Weatherford, W, W. ....	Franklin .....	Frankfort.
Wells, Levi.....	Marengo .....	Demopolis.
White, J. H. ....	Clay .....	Ashland.
Williams, L. J.....	Montgomery.....	Montgomery.
Wyman, W. S.....	Tuscaloosa.....	Tuscaloosa.